

**PROPOSED REGULATION OF THE
DEPARTMENT OF MOTOR VEHICLES**

LCB File No. R008-09

July 13, 2009

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1, 4 and 5, NRS 481.051; §2, NRS 481.051, 487.652 and 487.654; §3, NRS 481.051, 487.654 and 487.660.

A REGULATION relating to body shops; setting forth additional requirements for licensed body shops to obtain and hold Class A certification; setting forth the grounds for the denial, suspension or refusal to renew such certification; and providing other matters properly relating thereto.

Section 1. Chapter 487 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. 1. *A body shop licensed pursuant to chapter 487 of NRS may apply for Class A certification.*

2. In addition to the requirements set forth in NRS 487.652, a licensed body shop that seeks a Class A certificate must maintain and show proof of possessing both garagekeepers' and workers' compensation insurance policies with each such policy having applicable coverage in an amount of not less than \$1,000,000. As used in this subsection, "garagekeepers' insurance" has the meaning ascribed to it in NRS 487.608.

3. Each licensed body shop that possesses Class A certification shall incorporate and maintain as part of its facility:

(a) The specialized equipment necessary to obtain proper repair specifications for each vehicle being repaired, which specifications may be obtained from any of the following sources:

- (1) The manufacturer of the vehicle being repaired;*
- (2) The manufacturer of the equipment used to repair the vehicle; or*
- (3) The standards accepted in the industry for the repair of the vehicle.*

(b) The equipment necessary to make three-dimensional measurements of vehicles being repaired, which equipment provides a computerized printout of the measurements made before and after the repair of each such vehicle.

(c) At least one vehicle lift with a lifting capacity of not less than 7,000 pounds, which vehicle lift is manufactured by a recognized manufacturer of vehicle lifts and is in the form of one of the following designs:

- (1) Scissor lift;*
- (2) Two-post lift; or*
- (3) Four-post lift.*

(d) A computer-assisted four wheel alignment rack.

(e) A frame repair rack that:

- (1) Has a bed which is at least 20 feet long;*
- (2) Has a weight capacity of at least 6,000 pounds;*
- (3) Has a 360 degree pulling radius; and*

(4) Supports a four-post chassis clamping system capable of providing a secure grip on either the conventional frame itself or, if a unibody vehicle, on the unibody rocker sills.

(f) Multiple pulling posts capable of being securely locked to the frame repair rack.

(g) An engine hoist having a maximum lifting capacity of not less than 1,000 pounds.

(h) A downdraft style paint booth which:

(1) Includes a painted surface baking capability; and

(2) If applicable, has been approved and certified by the local authorities having jurisdiction over the operation of such devices.

(i) An inverter resistance welder.

(j) A metal inert gas (MIG) welder.

(k) Refrigerant handling equipment that is:

(1) Recognized by the United States Environmental Protection Agency as meeting CFC-12 standards; and

(2) Certified in accordance with standards of the United States Environmental Protection Agency.

4. Each licensed body shop that possesses Class A certification shall ensure that the welding devices described in paragraphs (i) and (j) of subsection 3 are operated only by mechanics or other persons who hold the appropriate industry certification credentials for operating such devices.

5. Each licensed body shop that possesses Class A certification and each licensed body shop that seeks a Class A certificate must:

(a) Acquire and maintain in good standing:

(1) The “I-Car Gold Class Professionals” designation, or a superior designation, from the I-Car Industry Training Alliance, which designation must be earned through a provider of training approved by the I-Car Industry Training Alliance; or

(2) The “ASE Blue Seal of Excellence” recognition, or a superior recognition, from the National Institute for Automotive Service Excellence, which recognition must relate to collision repair or collision refinishing, or both.

(b) Acquire and maintain valid motor vehicle air conditioning (MVAC) certification provided through an instructor or training program that has been certified by the United States Environmental Protection Agency.

(c) Acquire, use and maintain a “Uniform Hazardous Waste Manifest” that is approved by the United States Environmental Protection Agency.

(d) Acquire and maintain a valid identification number that is obtained from the United States Environmental Protection Agency, which number:

(1) Identifies the body shop as a handler of hazardous waste; and

(2) As applicable, depending upon the particular operations of the body shop, allows the body shop to lawfully generate, transport, treat, store or dispose of hazardous waste.

6. Each licensed body shop that possesses Class A certification shall ensure that all original equipment and after-market replacement occupant restraint devices meet the specifications of the original equipment manufacturer. Only mechanics holding the appropriate credentials issued by the I-Car Industry Training Alliance or the National Institute for Automotive Service Excellence may inspect and verify that original or after-market equipment occupant restraint devices meet the specifications of the original equipment manufacturer. As used in this subsection, “occupant restraint device” includes, without limitation:

(a) Original equipment air bags installed in any make or model of vehicle.

(b) Original and replacement equipment lap and shoulder restraint seat belts.

7. Each licensed body shop that possesses Class A certification shall, for the purpose of documenting customer complaints and responses regarding the body shop's services and repairs, have and maintain an agreement with one or more third parties to verify consumer satisfaction by using a consumer satisfaction index.

Sec. 3. An application to receive a Class A certificate may be denied, or an existing Class A certification may be suspended or its renewal refused, as appropriate, on the following grounds:

1. Failure of the owner or operator of the body shop to comply with any provision of NRS 487.600 to 487.690, inclusive, or any rule or regulation adopted pursuant thereto.

2. Failure of the owner or operator of the body shop to comply with any requirement for a licensed body shop to receive a Class A certificate or possess Class A certification, as specified in NRS 487.652 or any rule or regulation adopted pursuant thereto.

3. With respect to the operation of a body shop, engaging in a deceptive trade practice as that term is defined in NRS 598.0915 to 598.0925, inclusive.

4. Engaging in any other acts defined by the Department by regulation to constitute a deceptive trade practice.

Sec. 4. 1. A body shop that does business at more than one location shall designate one location in each county in which it does business as its principal place of business for that county and one name as the principal name of its business. It shall designate all of its other business locations not otherwise designated as a principal place of business pursuant to this subsection as branches.

2. A body shop shall keep its books and records for all locations at which it does business within a county at its principal place of business within that county and allow any authorized

agent of the Director or the State of Nevada to inspect and copy those books and records during usual business hours.

3. A body shop whose business hours differ from usual business hours must post its business hours where those business hours are easily seen by business customers.

4. A body shop shall adhere to either usual business hours or posted business hours.

5. If, for any reason, the books and records of a body shop are not available for inspection during usual business hours or posted business hours, the owner of the body shop, within 3 business days after receiving a written request from an authorized agent of the Director or the State of Nevada for the production of the books and records or any other relevant information, shall provide the requested books, records and other information to the authorized agent at the time and location specified in the request.

6. The owner of a body shop shall retain the books and records of the body shop for 3 years after he or she ceases to be licensed as the owner.

7. As used in this section, the term “usual business hours” means, unless different hours are posted in the manner described in subsection 3, the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding recognized legal holidays.

Sec. 5. NAC 487.100 is hereby amended to read as follows:

487.100 As used in NAC 487.100 to 487.180, inclusive, *and sections 1 to 4, inclusive, of this regulation*, unless the context otherwise requires:

1. “After-market body part” means a sheet metal or plastic part which is used to replace a part on the exterior of a motor vehicle and which:

(a) ~~Is~~ *Is* nonmechanical; and

(b) Has not been manufactured for or by the original manufacturer of the vehicle being repaired.

↪ The term includes the inner and outer body panels of a motor vehicle.

2. “Body shop” has the meaning ascribed to it in ~~NRS 487.600.~~ *section 2 of Assembly Bill No. 482, chapter 450, Statutes of Nevada 2009.*

3. *“Class A certificate” has the meaning ascribed to it in NRS 487.604.*

4. *“Class A certification” has the meaning ascribed to it in NRS 487.606.*

5. “Used body part” means a sheet metal or plastic part which is used to replace a part on the exterior of a motor vehicle and which:

(a) Has been previously used;

(b) Is nonmechanical; and

(c) Has been manufactured for or by the original manufacturer of the vehicle being repaired.

↪ The term includes the inner and outer body panels of a motor vehicle.