

**ADOPTED REGULATION OF THE DIRECTOR OF
THE DEPARTMENT OF MOTOR VEHICLES**

LCB File No. R159-09

Effective April 20, 2010

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

AUTHORITY: §§1 and 2, NRS 482.160; §3, NRS 482.160 and 482.482.

A REGULATION relating to motor vehicles; revising certain registration requirements for farm vehicles; revising dates for installment payments for the registration fees for certain fleets of vehicles; and providing other matters properly relating thereto.

Section 1. Chapter 482 of NAC is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, unless the context otherwise requires, “unladen weight” has the meaning ascribed to it in NRS 706.141.

Sec. 2. NAC 482.440 is hereby amended to read as follows:

482.440 1. A person who applies to the Department for the *initial* registration of a farm vehicle shall submit ~~[upon the appropriate]~~ :

(a) *On a* form furnished by the Department an affidavit stating that:

~~[(a) He]~~ (1) *The applicant* is a farmer or rancher as defined in NAC 482.430; and

~~[(b) His]~~ (2) *The applicant’s* vehicle is a farm vehicle as defined in NRS 482.036 ~~[]~~; and

(b) *Proof of the weight of the farm vehicle. Such proof must include:*

(1) *A public weighmaster certificate as defined in NAC 582.010; or*

(2) *A printout from a scale which has been certified by the State Sealer of Weights and*

Measures.

2. Such an applicant shall also submit to the Department any additional proof deemed necessary by the Department to establish that ~~he~~ *the applicant* is a farmer or rancher.

3. If the registration of a farm vehicle is based upon a false or fraudulent affidavit or application for registration, the Department will, upon discovery of that fact, suspend the registration of the vehicle and require the return to the Department of the license plates issued for the vehicle.

4. An applicant for the renewal of registration of a farm vehicle must submit an affidavit and proof of weight of the farm vehicle in the manner required by subsection 1 for the initial registration if the weight of the farm vehicle has changed since the initial registration.

5. The registration fees for a farm vehicle must be calculated based on the unladen weight of the farm vehicle.

Sec. 3. NAC 482.940 is hereby amended to read as follows:

482.940 1. Installment payments for the original or renewal registration fees for a fleet of vehicles with a declared gross weight in excess of 26,000 pounds and the governmental services tax imposed by the provisions of chapter 371 of NRS for the privilege of operating those vehicles are due to the Department on or before ~~January 1, April 1, July 1 and October 1~~ *March 31, June 30, September 30 and December 31* of each year.

2. For the purposes of this section, the Department will suspend for the remainder of the present registration year and the following registration year the privilege of the owner of the fleet of vehicles to pay in installments if:

(a) An installment payment is received from the owner of the fleet of vehicles after the date due; or

(b) A check or draft issued by the owner of the fleet of vehicles to the Department for the installment payment is returned to the Department for insufficient funds.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB FILE NO. R159-09**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 482.

I. A description of how public comment was solicited, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop, and notices of intent to act upon the regulation were sent by email to persons who were known to have an interest in the subject of the establishment of provisions relating to:

The Department of Motor Vehicles, amending Chapter 482 of the Nevada Administrative Code (NAC) to comply with Legislation (SB199) passed during the 2009 Legislative Session. The amendments proposed in this regulation make various changes to dates for installment payments for the registration fees for certain fleets of vehicles; and provide other matters properly relating thereto.

These documents were also made available on the website of the Nevada Department of Motor Vehicles (DMV), www.dmvnv.com, emailed with posting instructions to all county libraries in Nevada, and posted within each branch office.

A workshop was held on March 9, 2010 and a hearing was held on March 10, 2010 regarding the proposed amendments; a recording of both meetings was made and is on file at the Nevada Department of Motor Vehicles, Research and Development Division, 555 Wright Way, Carson City, Nevada 89711.

On or about February 4, 2010, the Director of the Department of Motor Vehicles issued a Notice of Intent to Act Upon a Regulation with a Notice of Public Workshop to be held March 9, 2010 at 1 p.m. and a Notice of Public Hearing to be held March 10, 2010 at 9 a.m. at the following location:

PUBLIC HEARING MEETING NOTICE

Wednesday, March 10, 2010 at 9:00 am

CARSON CITY

Nevada Legislative Counsel Bureau
Conference Room 2134
401 South Carson Street
Carson City, NV. 89701

VIDEO CONFERENCING WILL BE PROVIDED TO:

LAS VEGAS

State of Nevada – Grant Sawyer Building
Conference Room 4406
555 East Washington Ave.
Las Vegas, NV. 89101

ELKO

Great Basin College – Greenhaw Technical Arts Bldg.
Conference Room 118
1500 College Park Way
Elko, NV. 89801

Copies of the workshop and hearing recording or hearing minutes may be obtained by contacting Sean McDonald by telephone (775) 684-4773 or email, **smcdonald@dmv.nv.gov**.

Workshop and Hearing Information

Workshop

II. The number of persons who:

A. Attended the workshop: 14 Total

In Attendance in Carson City: 10 Total

Lloyd Nelson, Department of Motor Vehicles (Workshop and Hearing Officer)

Rhonda Bavaro, Department of Motor Vehicles (Workshop and Hearing Officer)

Teri Baltisberger, Department of Motor Vehicles

Dawn Lietz, Department of Motor Vehicles

Carmen Shipman, Department of Motor Vehicles

Karen Stoll, Department of Motor Vehicles

Karen Winchell, Department of Motor Vehicles

Angela Smith-Lamb, Department of Motor Vehicles

Jude Hurin, Department of Motor Vehicles

Lynn Libby, Department of Motor Vehicles

In Attendance in Las Vegas: 2 Total

Sean McDonald, Department of Motor Vehicles

Betsy McCabe, Department of Motor Vehicles

In Attendance in Elko: 2 Total

Cindy Arnold, Department of Motor Vehicles

Becky Raine, Department of Motor Vehicles

B. Testified at the workshop: 1 Total

Carson City: 1 Total

The following Testimony was presented in Carson City:

Karen Stoll representing the Motor Carrier Division of the Department of Motor Vehicles read into the record the following change effecting Section 3 of R159-09:

Sec. 3. NAC 482.940 is hereby amended to read as follows:
482.940 1. Installment payments for the original or renewal registration fees for a fleet of vehicles with a declared gross weight in excess of 26,000 pounds and

the governmental services tax imposed by the provisions of chapter 371 of NRS for the privilege of operating those vehicles are due to the Department on or before ~~January 1,~~ ~~April 1~~ March 31, ~~July 1,~~ June 30, ~~and~~ ~~October 1~~ September 30 and December 31 of each year.

(Note: Changes resulting from the Workshop / Hearing are underlined)

The Motor Carrier Division of the Department of Motor Vehicles wanted installment payments to coincide with the last day of each installment period. As written (prior to the change) installment payments would be due 1 day after the expiration date of the preceding period.

By making the changes outlined above, the Motor Carrier Division will avoid potential lapses in registration.

C. Written Statements Submitted to the agency – Workshop:

No written statements regarding R159-09 were received by the Department of Motor Vehicles

D. Attended the hearing: 11 Total

In Attendance in Carson City: 7 Total

Lloyd Nelson, Department of Motor Vehicles (Workshop and Hearing Officer)

Rhonda Bavaro, Department of Motor Vehicles (Workshop and Hearing Officer)

Dawn Lietz, Department of Motor Vehicles

Carmen Shipman, Department of Motor Vehicles

Karen Stoll, Department of Motor Vehicles

Karen Winchell, Department of Motor Vehicles

Angela Smith-Lamb, Department of Motor Vehicles

In Attendance in Las Vegas: 2 Total

Sean McDonald, Department of Motor Vehicles

Betsy McCabe, Department of Motor Vehicles

In Attendance In Elko: 2 Total

Cindy Arnold, Department of Motor Vehicles

Becky Raine, Department of Motor Vehicles

E. Testified at the hearing: 1 Total

The following Testimony was presented in Carson City:

Karen Stoll representing the Motor Carrier Division of the Department of Motor Vehicles read into the record the following change effecting Section 3 of R159-09:

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482.940 1. Installment payments for the original or renewal registration fees for a fleet of vehicles with a declared gross weight in excess of 26,000 pounds and the governmental services tax imposed by the provisions of chapter 371 of NRS for the privilege of operating those vehicles are due to the Department on or before ~~January 1,~~ ~~April 1~~ March 31, ~~July 1,~~ June 30, ~~and~~ ~~October 1~~ September 30 and December 31 of each year.

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By making the changes outlined above, the Motor Carrier Division will avoid potential lapses in registration.

F. Written Statements / Comments Received - Hearing:

No written statements regarding R159-09 were received by the Department of Motor Vehicles

III. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited and there was no response from any affected business.

IV. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.

The permanent regulation was adopted by the Department on March 18, 2010, and included the changes suggested at the workshop held on March 9, 2010 and read into the record during the hearing conducted on March 10, 2010. The proposed changes to Regulation are as follows:

Revision to Section 3:

Sec. 3. NAC 482.940 is hereby amended to read as follows:

482.940 1. Installment payments for the original or renewal registration fees for a fleet of vehicles with a declared gross weight in excess of 26,000 pounds and

the governmental services tax imposed by the provisions of chapter 371 of NRS for the privilege of operating those vehicles are due to the Department on or before ~~January 1,~~ ~~April 1~~ March 31, ~~July 1,~~ June 30, ~~and~~ ~~October 1~~ September 30 and December 31 of each year.

(Note: Changes resulting from the Workshop / Hearing are underlined)

The Motor Carrier Division of the Department of Motor Vehicles wanted installment payments to coincide with the last day of each installment period. As written (prior to the change) installment payments would be due 1 day after the expiration date of the preceding period.

By making the changes outlined above, the Motor Carrier Division will avoid potential lapses in registration.

- V. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:**
- (a) Both adverse and beneficial effects; and**
 - (b) Both immediate and long-term effects.**

There is no estimated adverse or beneficial economic effect on businesses.

- VI. The estimated cost to the agency for enforcement of the adopted regulation.**

There should be no extra cost to enforce this regulation.

- VII. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate.

- VII. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

N/A.

- IV. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A.

X. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?

The Director has determined that the proposed regulation does not impose a direct or significant economic burden upon a small business or restrict the formation, operation, or expansion of a small business.