

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

LCB File No. R065-12

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CHAPTER 360A – ADMINISTRATION OF CERTAIN TAXES AND FEES ON FUELS

NAC 360A.020, 360A.030, 360A.040, 360A.070 Action: Repeal

These definitions were added in 2005 for clarification purposes. There is little benefit for the industry or Department by these definitions as they are not being used in a sense that is different than their natural meaning.

~~[NAC 360A.020 – “Deficiency determination” defined. (NRS 360A.020) – “Deficiency determination” means the amount of any tax, fee, penalty or interest that the Department determines is delinquent pursuant to NRS 360A.100 to 360A.220, inclusive. (Added to NAC by Dep’t of Motor Veh. by R101-05, eff. 10-31-2005)~~

~~NAC 360A.030 – “Department” defined. (NRS 360A.020) – “Department” means the Department of Motor Vehicles.~~

~~(Added to NAC by Dep’t of Motor Veh. by R101-05, eff. 10-31-2005)~~

~~NAC 360A.040 – “Director” defined. (NRS 360A.020) – “Director” means the Director of the Department.~~

~~(Added to NAC by Dep’t of Motor Veh. by R101-05, eff. 10-31-2005)~~

~~NAC 360A.070 – “Taxpayer” defined. (NRS 360A.020) – “Taxpayer” means a person who is required to pay a tax or fee imposed by chapter 365, 366 or 373 of NRS or NRS 590.120 or 590.840 or a penalty or interest imposed for failure to make a timely return or payment of such a tax or fee.~~

~~(Added to NAC by Dep’t of Motor Veh. by R101-05, eff. 10-31-2005)]~~

RIGHTS OF TAXPAYERS

NAC 360A.100 Action: Repeal

This section was added in 2005 for clarification purposes. On further review, the NRS is clear on the requirements for the pamphlet regarding the Taxpayer’s Bill of Rights and the Department routinely updates the information, posts it on the Internet, makes it available, and sends it with each notice of an impending audit.

~~[NAC 360A.100 – Updating and distribution of pamphlet regarding Taxpayers’ Bill of Rights for Taxes on Fuels. (NRS 360A.020, 360A.036) – The Department will update the pamphlet setting forth the Taxpayers’ Bill of Rights for Taxes on Fuels and the description of regulations relating thereto required pursuant to NRS 360A.036 whenever necessary and will provide a copy of the pamphlet to each taxpayer.~~

~~(Added to NAC by Dep’t of Motor Veh. by R101-05, eff. 10-31-2005)]~~

**CHAPTER 365 – TAXES ON CERTAIN FUELS FOR MOTOR VEHICLES AND
AIRCRAFT**

GENERAL PROVISIONS

NAC 365.102 through 365.138 Action: **Repeal**

These definitions were added in 2001 and 2004 for clarification purposes. There is little benefit for the industry or Department by these definitions as they are defined in statute or not being used in a sense that is different than their natural meaning.

~~NAC 365.102 “Aviation fuel” defined. (NRS 365.110) “Aviation fuel” has the meaning ascribed to it in NRS 365.015.~~

~~(Added to NAC by Dep’t of Motor Veh. by R143-03, eff. 1-16-2004)~~

~~NAC 365.105 “Dealer” defined. (NRS 365.110) “Dealer” has the meaning ascribed to it in NRS 365.020.~~

~~(Added to NAC by Dep’t of Motor Veh. by R105-01, 12-17-2001, eff. 1-1-2002)~~

~~NAC 365.110 “Department” defined. (NRS 365.110) “Department” means the Department of Motor Vehicles.~~

~~(Added to NAC by Dep’t of Motor Veh. by R105-01, 12-17-2001, eff. 1-1-2002)~~

~~NAC 365.112 “Exporter” defined. (NRS 365.110) “Exporter” has the meaning ascribed to it in NRS 365.031.~~

~~(Added to NAC by Dep’t of Motor Veh. by R143-03, eff. 1-16-2004)~~

~~NAC 365.113 “Fuel for jet or turbine powered aircraft” defined. (NRS 365.110) “Fuel for jet or turbine powered aircraft” has the meaning ascribed to it in NRS 365.035.~~

~~(Added to NAC by Dep’t of Motor Veh. by R143-03, eff. 1-16-2004)~~

~~NAC 365.120 “Motor vehicle” defined. (NRS 365.110) “Motor vehicle” has the meaning ascribed to it in NRS 365.050.~~

~~(Added to NAC by Dep’t of Motor Veh. by R105-01, 12-17-2001, eff. 1-1-2002)~~

~~NAC 365.125 “Motor vehicle fuel” defined. (NRS 365.110) “Motor vehicle fuel” has the meaning ascribed to it in NRS 365.060.~~

~~(Added to NAC by Dep’t of Motor Veh. by R105-01, 12-17-2001, eff. 1-1-2002)~~

~~NAC 365.133 “Special fuel” defined. (NRS 365.110) “Special fuel” has the meaning ascribed to it in NRS 366.060.~~

~~(Added to NAC by Dep’t of Motor Veh. by R143-03, eff. 1-16-2004)~~

~~NAC 365.135 “Supplier” defined. (NRS 365.110) “Supplier” has the meaning ascribed to it in NRS 365.084.~~

~~(Added to NAC by Dep’t of Motor Veh. by R105-01, 12-17-2001, eff. 1-1-2002)~~

~~NAC 365.138 “Transporter” defined. (NRS 365.110) “Transporter” has the meaning ascribed to it in NRS 365.092.~~

~~(Added to NAC by Dep't of Motor Veh. by R143-03, eff. 1-16-2004)~~

CHAPTER 445B – AIR CONTROLS

NAC445B.401 through 445B.405 – Action: **Repeal**

These definitions are in NRS. There is little benefit for the industry or Department by having these definitions in regulation as they are not being used in a sense that is different than their natural meaning.

~~[NAC 445B.401 – Definitions. (NRS 445B.210, 445B.785) As used in NAC 445B.400 to 445B.735, inclusive, unless the context otherwise requires, the words and terms defined in NAC 445B.403 to 445B.4556, inclusive, have the meanings ascribed to them in those sections.~~

~~—(Supplied in codification; A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; 11-10-92; 11-23-92; 7-1-94; A by Environmental Comm'n, 7-5-94; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; A by Environmental Comm'n by R205-97, 3-5-98; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98; A by Dep't of Motor Veh. by R178-01, 8-21-2002)~~

~~NAC 445B.403 – “Approved inspector” defined. (NRS 445B.210, 445B.785) – “Approved inspector” has the meaning ascribed to it in NRS 445B.705.~~

~~—[Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.2, eff. 1-10-78]—(NAC A 10-1-83; 11-23-87, eff. 1-1-88; 8-19-94)~~

~~— **NAC 445B.4045 – “Authorized inspection station” defined.** (NRS 445B.785) – “Authorized inspection station” has the meaning ascribed to it in NRS 445B.710.~~

~~(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 8-19-94)~~

~~— **NAC 445B.405 – “Authorized station” defined.** (NRS 445B.210, 445B.785) – “Authorized station” has the meaning ascribed to it in NRS 445B.720.~~

~~[Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.3, eff. 1-10-78]—(Substituted in revision for NAC 445.854)]~~

NAC 445B.424 – Action: **Repeal**

This definition is in NRS. There is little benefit for the industry or Department by having this definition in regulation as it is not being used in a sense that is different than the natural meaning.

~~[NAC 445B.424 – “Fleet station” defined. (NRS 445B.210, 445B.785) – “Fleet station” has the meaning ascribed to it in NRS 445B.735.~~

~~—[Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.16, eff. 1-10-78]—(NAC A by Dep't of Motor Veh. & Pub. Safety, 8-19-94)]~~

NAC 445B.435 – Action: Repeal

This definition is in NRS. There is little benefit for the industry or Department by having this definition in regulation as it is not being used in a sense that is different than the natural meaning.

~~[NAC 445B.435 “Motor vehicle” defined. (NRS 445B.210, 445B.785) “Motor vehicle” has the meaning ascribed to it in NRS 445B.745.
— [Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.24, eff. 1-10-78]— (Substituted in revision for NAC 445.874)]~~

NAC 445B.454 Action: Repeal

This definition is in NRS 454.758. There is little benefit for the industry or Department by having this definition in regulation as it is not being used in a sense that is different than the natural meaning.

~~[NAC 445B.454 “Used motor vehicle” defined. (NRS 445B.210, 445B.785) “Used motor vehicle” means a motor vehicle that has been registered with the Department or registered with the appropriate agency or authority of any other state, the District of Columbia, or any territory or possession of the United States or foreign state, province or country.
— [Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.36, eff. 1-10-78; renumbered as § 1.38, 12-20-79]— (Substituted in revision for NAC 445.887)]~~

CHAPTER 481 – ADMINISTRATION OF LAWS RELATING TO MOTOR VEHICLES

NAC 481.150 and 485.160 – Action: Repeal

These definitions are in NRS. There is little benefit for the industry or Department by having these definitions in regulation as they are not being used in a sense that is different than their natural meaning.

~~[NAC 481.150 “Department” defined. (NRS 233B.050, 481.051) “Department” means the Department of Motor Vehicles.
— (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 3-11-86)
— NAC 481.160 “Director” defined. (NRS 233B.050, 481.051) “Director” means the Director of the Department.
— (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 3-11-86)]~~

**CHAPTER 482 – MOTOR VEHICLES AND TRAILERS: LICENSING,
REGISTRATION, SALES AND LEASES**

**MANUFACTURERS, REBUILDERS, DISTRIBUTORS, DEALERS, BROKERS,
SALESMEN AND LESSORS
Dealer Demonstration Permits**

NAC 482.010 through 482.030 - Action: **Repeal**

These regulations were established in 1968 to allow customers purchasing a commercial vehicle for use in their business for transporting goods to be able to use the vehicle to ensure they were adequate before committing to the purchase. They are no longer needed as statute has been changed to allow the demonstration or loan of commercial vehicles with special plates assigned to the dealer.

~~[NAC 482.010 Issuance. (NRS 481.051, 482.160)~~

~~1. Licensed Nevada dealers may obtain from the Department a demonstration permit to be affixed on the right hand side of the windshield of any vehicle being demonstrated.~~

~~2. The permit applies only to vehicles covered by the provisions of chapters 366 and 706 of NRS.~~

~~3. The demonstration permit must be fully executed and can be used only with a current Nevada dealer plate. The dealer plate number must appear on the face of the demonstration permit.~~

~~4. The permit must be obtained before any vehicle is first demonstrated.~~

~~[Dep't of Motor Veh., Demonstration Permits Reg. §§ 1, 2 & part 3, eff. 10-9-68] (NAC A-4-15-97)~~

~~**NAC 482.020 Period of validity; use of copies. (NRS 481.051, 482.160)**~~

~~1. The demonstration permit is valid for a period of 5 days from the date of issuance appearing on the face of the permit.~~

~~2. The first copy of the form must be affixed to the windshield of the demonstrated vehicle. The second copy must be maintained by the dealer for a period of 3 years from the date of demonstration.~~

~~[Dep't of Motor Veh., Demonstration Permits Reg. part §§ 3 & 4, eff. 10-9-68]~~

~~**NAC 482.030 Suspension of license. (NRS 481.051, 482.160)** Failure to comply with the provisions of NAC 482.010 and 482.020 will result in suspension of the dealer's license.~~

~~[Dep't of Motor Veh., Demonstration Permits Reg. § 5, eff. 10-9-68]~~

NAC 482.270 – Action: **Repeal**

These definitions are in NRS. There is little benefit for the industry or Department by having these definitions in regulation as they are not being used in a sense that is different than their natural meaning.

~~[NAC 482.270 Definitions. (NRS 482.160, 482.313, 482.3965) As used in NAC 482.270 to 482.288, inclusive, unless the context otherwise requires:~~

~~—1. "Motor vehicle" has the meaning ascribed to it in NRS 482.075.~~

~~—2. "Short term lessor" has the meaning ascribed to it in NRS 482.053.~~

~~—3. "Vehicle" has the meaning ascribed to it in NRS 482.135.~~

~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 4-25-94; A-4-15-97)]~~

SHORT-TERM LESSORS

NAC 482.282 through 482.288 - Action: Repeal

NRS 482.313 has been changed numerous times since these regulations were adopted in 1994 and they no longer apply for the Department of Motor Vehicles and should be repealed. The Department of Taxation has statutory authority for NRS 482.313.

~~[NAC 482.282 “Governmental entity” interpreted for certain purposes. (NRS 482.160, 482.313) For the purposes of enforcing the provisions of NRS 482.313, “governmental entity” means the Federal Government or an agency thereof, this State or an agency thereof, or any city, county, town or other political subdivision of this State.~~

~~— (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 4-25-94)~~

~~— NAC 482.284 Identification for certain purposes of vehicle licensing fees paid by short term lessor. (NRS 482.160, 482.313)~~

~~— 1. For the purposes of enforcing the provisions of NRS 482.313, the fees paid by a short term lessor for the registration of, and the issuance of certificates of title for, the passenger cars leased by him include only the fees paid by a short term lessor for:~~

~~— (a) Registration or the transfer of registration pursuant to NRS 482.480;~~

~~— (b) The issuance of a certificate of title or duplicate certificate of title pursuant to NRS 482.429;~~

~~— (c) The issuance of any duplicate or substitute certificate of registration, decal or number plate pursuant to subsection 1 of NRS 482.500;~~

~~— (d) The issuance of any replacement plate or set of plates pursuant to subsection 2 of NRS 482.500;~~

~~— (e) The issuance of a temporary permit pursuant to subsection 2 of NRS 482.3965;~~

~~— (f) The issuance of a license plate pursuant to NRS 482.268; and~~

~~— (g) An inspection pursuant to subsection 3 of NRS 482.220.~~

~~— 2. Such fees do not include:~~

~~— (a) Delinquent fees and penalties imposed pursuant to NRS 371.140 or 482.515;~~

~~— (b) Sales or use taxes imposed pursuant to NRS 372.105, 372.185, 374.110, 374.190, 377.040, 377A.030 or 543.600; or~~

~~— (c) Fees for the reinstatement of registration pursuant to NRS 482.480.~~

~~— (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 4-25-94)~~

~~— NAC 482.286 Maintenance and inspection of documents for verifying quarterly reports. (NRS 482.160, 482.313)~~

~~— 1. Each short term lessor shall retain records, receipts, invoices and other pertinent papers verifying the report filed with the Department of Taxation and the Department of Motor Vehicles pursuant to paragraph (a) of subsection 2 of NRS 482.313.~~

~~— 2. Each such record, receipt, invoice and other pertinent paper must be preserved intact for at least 4 years after the date that the record, receipt, invoice or paper was made.~~

~~— 3. The records, receipts, invoices and other pertinent papers must be available at all times during normal business hours for examination and copying by the Department of Taxation or the Department of Motor Vehicles or its authorized agents.~~

~~— (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 4-25-94; A 4-15-97; R085-02, 9-6-2002)~~

~~— NAC 482.288 Separate listing of certain charges on lease agreement. (NRS 482.160, 482.313)~~

~~— 1. Each short-term lessor shall list the fee of 6 percent imposed pursuant to subsection 1 of NRS 482.313 on each lease agreement as an item on a line separated from all other listed charges, and shall identify that fee on the lease agreement as “Governmental Services Fee.”~~

~~— 2. If a short-term lessor charges and collects from a short-term lessee a recovery surcharge pursuant to paragraph (c) of subsection 1 of NRS 482.313, the short-term lessor shall list the surcharge on each lease agreement as an item on a line separated from all other listed charges, and shall identify that surcharge on the lease agreement as “Recovery Surcharge.”~~

~~— (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 4-25-94; A by R085-02, 9-6-2002)]~~

NAC 482.305 – Action: Repeal

These definitions are in NRS. There is little benefit for the industry or Department by having these definitions in regulation as they are not being used in a sense that is different than their natural meaning.

~~[NAC 482.305 “Permanent disability” interpreted. (NRS 482.384) For the purposes of enforcing the provisions of NRS 482.384, a person with a “permanent disability” means a person who has an injury, illness or condition which:~~

~~— 1. Limits or impairs the ability to walk as defined in NRS 482.3835; and~~

~~— 2. A licensed physician has certified as irreversible.~~

~~— (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 4-15-97)]~~

NAC 482.455 – Action: Repeal

This definition is in NRS 482.0555. There is little benefit for the industry or Department by having these definitions in regulation as they are not being used in a sense that is different than their natural meaning.

~~[NAC 482.455 “Local authority” defined. (NRS 481.051, 482.160, 482.2805, 484.444) “Local authority” has the meaning ascribed to it in NRS 484.079.~~

~~— (Added to NAC by Dep’t of Motor Veh. & Pub. Safety by R162-97, eff. 1-30-98)]~~

NAC 482.602 through 482.634 – Action: Repeal

These regulations describe the requirements for participation in an electronic lien and title program. The Department is not moving forward with these programs because of the cost to program such systems with no benefit to the Department. If the Department were to implement these programs in the future the regulations would have to be revised.

~~[NAC 482.602 Definitions. (NRS 482.293) As used in NAC 482.602 to 482.634, inclusive, unless the context otherwise requires, the words and terms defined in NAC 482.604, 482.606 and 482.608 have the meanings ascribed to them in those sections.~~

~~— (Added to NAC by Dep’t of Motor Veh. by R081-03, eff. 12-4-2003)~~

~~— NAC 482.604 “Financial institution” defined. (NRS 482.293) “Financial institution” means an institution that engages in the business of lending money or extending credit to a person for the purchase of a motor vehicle. The term includes, without limitation, a bank, credit union, installment lender, savings and loan association, savings bank or thrift company.~~

~~— (Added to NAC by Dep’t of Motor Veh. by R081-03, eff. 12-4-2003)~~

~~— NAC 482.606 “Program” defined. (NRS 482.293) “Program” means the program described~~

~~in NRS 482.293.~~

~~— (Added to NAC by Dep't of Motor Veh. by R081-03, eff. 12-4-2003)~~

~~— NAC 482.608 "Vehicle dealer" defined. (NRS 482.293) "Vehicle dealer" has the meaning ascribed to it in NRS 482.020.~~

~~— (Added to NAC by Dep't of Motor Veh. by R081-03, eff. 12-4-2003)~~

~~— NAC 482.612 Eligibility to participate. (NRS 482.293)~~

~~— 1. To be eligible to participate in the program, a vehicle dealer must:~~

~~— (a) Have been continuously licensed by the Department as a vehicle dealer for not less than 1 year immediately preceding the date of application;~~

~~— (b) Not have had a license to engage in an occupation or business that is regulated by the Department revoked;~~

~~— (c) Have satisfactorily conducted business as a vehicle dealer in accordance with the provisions of chapter 482 of NRS for not less than 1 year immediately preceding the date of application;~~

~~— (d) Not have knowingly issued a check to the Department that was returned for insufficient money or credit within 1 year immediately preceding the date of application; and~~

~~— (e) Not have committed:~~

~~— (1) A violation of any provision of the Nevada Revised Statutes or Nevada Administrative Code that resulted in the imposition of an administrative fine by the Department or the suspension of a license to engage in an occupation or business that is regulated by the Department within 1 year immediately preceding the submission of the application; or~~

~~— (2) Two or more violations of any provision of the Nevada Revised Statutes or Nevada Administrative Code that resulted in the imposition of administrative fines by the Department or suspensions of a license to engage in an occupation or business that is regulated by the Department within the 3 years immediately preceding the submission of the application.~~

~~— 2. To be eligible to participate in the program, a financial institution must:~~

~~— (a) Have been continuously licensed by the Commissioner as a financial institution for not less than 1 year immediately preceding the date of application;~~

~~— (b) Not have had a license to engage in an occupation or business that is regulated by the Commissioner revoked;~~

~~— (c) Have satisfactorily conducted business as a financial institution in accordance with the applicable provisions of titles 55 and 56 of NRS for not less than 1 year immediately preceding the date of application;~~

~~— (d) Not have knowingly issued a check to the Commissioner, the Department of Business and Industry or the Division of Financial Institutions of the Department of Business and Industry that was returned for insufficient money or credit within 1 year immediately preceding the date of application; and~~

~~— (e) Not have committed:~~

~~— (1) A violation of any provision of the Nevada Revised Statutes or Nevada Administrative Code that resulted in the imposition of an administrative fine by the Commissioner or the suspension of a license to engage in an occupation or business that is regulated by the Commissioner within 1 year immediately preceding the submission of the application; or~~

~~— (2) Two or more violations of any provision of the Nevada Revised Statutes or Nevada Administrative Code that resulted in the imposition of administrative fines by the Commissioner or suspensions of a license to engage in an occupation or business that is regulated by the Commissioner within the 3 years immediately preceding the submission of the application.~~

~~— 3. The Department may deny an application of a vehicle dealer or financial institution to participate in the program if the dealer or institution is owned in whole or in part by, or employs, any person who, within the 4 years immediately preceding the date of application, has been convicted of or pleaded nolo contendere to:~~

~~— (a) A felony or gross misdemeanor; or~~

~~— (b) A misdemeanor in violation of the provisions of:~~

~~— (1) If the applicant is a vehicle dealer, this chapter or chapter 482 of NRS; or~~

~~— (2) If the applicant is a financial institution, title 55 or 56 of NRS or any regulation adopted pursuant thereto.~~

~~— 4. The issuance by the Department or the Commissioner of a cease and desist order or an order to cease from further action to a vehicle dealer or financial institution is not a ground to deny the application of the dealer or institution to participate in the program.~~

~~— 5. For the purposes of this section, a charter issued to a credit union by the Commissioner shall be deemed a license.~~

~~— 6. As used in this section, “Commissioner” means the Commissioner of Financial Institutions:~~

~~— (Added to NAC by Dep’t of Motor Veh. by R081-03, eff. 12-4-2003)~~

~~— NAC 482.614 Application to participate. (NRS 482.293) A vehicle dealer or financial institution that wishes to participate in the program must:~~

~~— 1. Submit an application to the Department on a form provided by the Department; and~~

~~— 2. Provide any additional information the Department may require to evaluate the application:~~

~~— (Added to NAC by Dep’t of Motor Veh. by R081-03, eff. 12-4-2003)~~

~~— NAC 482.616 Selection of participants. (NRS 482.293) The Department will choose the vehicle dealers and financial institutions that may participate in the program from among the eligible dealers and institutions that submit applications.~~

~~— (Added to NAC by Dep’t of Motor Veh. by R081-03, eff. 12-4-2003)~~

~~— NAC 482.618 Contract with Department. (NRS 482.293) Before a vehicle dealer or financial institution may participate in the program, the dealer or institution must enter into a contract with the Department. The contract must set forth the procedures for issuing and renewing a certificate of registration for a motor vehicle.~~

~~— (Added to NAC by Dep’t of Motor Veh. by R081-03, eff. 12-4-2003)~~

~~— NAC 482.622 Bond or deposit: General requirements and conditions. (NRS 482.293)~~

~~— 1. Except as otherwise provided in subsection 3, before a vehicle dealer or financial institution that is chosen to participate in the program may issue or renew a certificate of registration for a motor vehicle, the dealer or institution must obtain and file with the Department a good and sufficient bond in an amount not less than \$10,000. Each bond must:~~

~~— (a) Have a corporate surety thereon that is licensed to do business in this State;~~

~~— (b) Be approved as to form by the Attorney General; and~~

~~— (c) Be subject to the condition that the vehicle dealer or financial institution conduct business without fraud or fraudulent representation and without violating any of the provisions of this chapter, chapter 598 of NAC or chapter 482 or 598 of NRS.~~

~~— 2. A bond filed with the Department pursuant to subsection 1 must provide that any person, including the Department, injured by an action of the vehicle dealer or financial institution, or an employee or agent of the dealer or institution, in violation of this chapter, chapter 598 of NAC or chapter 482 or 598 of NRS may bring an action on the bond.~~

~~— 3. In lieu of filing a bond, a vehicle dealer or financial institution may place on deposit with the Department an amount not less than \$10,000 in the form of:~~

- ~~— (a) Cash;~~
- ~~— (b) A bond issued by the United States or this State; or~~
- ~~— (c) A savings certificate.~~

~~— 4. A deposit placed with the Department pursuant to subsection 3 must be:~~

- ~~— (a) Subject to the condition that the vehicle dealer or financial institution conduct business without fraud or fraudulent representation and without violating any of the provisions of this chapter, chapter 598 of NAC or chapter 482 or 598 of NRS; and~~
- ~~— (b) Available for withdrawal only upon the order of the Department.~~

~~— 5. The undertaking in the bond or deposit must include, without limitation, any fraud or fraudulent act or representation, or any violation of any provision of chapter 482 or 598 of NRS, by any owner, principal, employee or agent of the vehicle dealer or financial institution.~~

~~— 6. The Department will require an increase in the amount of the bond or deposit if the Department determines that an increase is necessary and in the public interest. The increase in the amount of the bond or deposit must not exceed twice the amount of the original bond or deposit.~~

~~— (Added to NAC by Dep't of Motor Veh. by R081-03, eff. 12-4-2003)~~

~~— NAC 482.624 Bond or deposit: Determination of amount and payment of compensation; release or refund of deposit. (NRS 482.293)~~

~~— 1. If a person injured by an action of a vehicle dealer or financial institution chosen to participate in the program, or by an employee or agent of the dealer or institution, in violation of this chapter, chapter 598 of NAC or chapter 482 or 598 of NRS applies to the Director for compensation, the Director shall, after notice and opportunity for a hearing and for good cause shown, determine the amount of compensation and the person to whom it is to be paid and:~~

- ~~— (a) If the application is for compensation from a bond, direct the surety to make the payment to the injured person.~~
- ~~— (b) If the application is for compensation from a deposit, disburse money from the deposit to the injured person.~~

~~— 2. A deposit which is made with the Department pursuant to NAC 482.622 may be:~~

- ~~— (a) Released by the Director upon receipt by the Department of a statement that:~~
 - ~~— (1) Is signed by a person under whose name the deposit is made;~~
 - ~~— (2) Is acknowledged before any person authorized to take acknowledgments in this State;~~
 - ~~— (3) Requests the Director to release the deposit, or a specified portion thereof; and~~
 - ~~— (4) Sets forth the purpose for which the release of the deposit is requested.~~

~~— (b) Refunded by the Director:~~

~~— (1) One year after the date on which the participation of the vehicle dealer or financial institution in the program terminates, if the Director determines that there are no outstanding claims against the deposit; or~~

~~— (2) Pursuant to an order of a court of competent jurisdiction.~~

~~— (Added to NAC by Dep't of Motor Veh. by R081-03, eff. 12-4-2003)~~

~~— NAC 482.626 Duties of and restrictions on participants. (NRS 482.293) A vehicle dealer or financial institution that participates in the program:~~

~~— 1. Shall:~~

~~— (a) Maintain the records relating to the program for a period of not less than 3 years.~~

~~— (b) Authorize the Department or any person designated by the Department to conduct audits~~

of the records relating to the program:

~~— (1) Within 3 months after the vehicle dealer or financial institution begins issuing and renewing certificates of registration;~~

~~— (2) At least once every 12 months after the completion of the initial audit; and~~

~~— (3) At any other time requested by the Department.~~

~~— (c) Establish and maintain a separate account in a financial institution in this State to hold the money collected for the issuance and renewal of certificates of registration until it is paid to the Department. The money in the account must not be used to pay any expenses of the vehicle dealer or financial institution participating in the program.~~

~~— (d) Pay to the Department, at an office designated by the Department, the amount of money collected for the issuance and renewal of certificates of registration:~~

~~— (1) Not less than once each week; or~~

~~— (2) If \$10,000 or more is collected by the vehicle dealer or financial institution in a day, not later than the end of the next business day.~~

~~— (e) Maintain and restrict access to a secure area on the premises of the vehicle dealer or financial institution for the storage of documents, forms and other supplies provided by the Department for the program.~~

~~— 2. Shall not:~~

~~— (a) Issue or renew a certificate of registration for a motor vehicle:~~

~~— (1) For which an exemption from the governmental services tax set forth in NRS 371.103 or 371.104 is claimed; or~~

~~— (2) That includes a change of name.~~

~~— (b) Employ a person to issue or renew a certificate of registration for a motor vehicle who has not completed a course of training provided by the Department and received a certificate of completion for the course from the Department.~~

~~— (c) Use or authorize an employee to use false, deceptive or misleading advertising in connection with the purchase, financing or registration of a motor vehicle.~~

~~— (Added to NAC by Dep't of Motor Veh. by R081-03, eff. 12-4-2003)~~

~~— NAC 482.628 Specifications for electronic submission of documents by participants. (NRS 482.293)~~

~~— 1. The Department will maintain specifications for the electronic submission of a document by a vehicle dealer or financial institution that participates in the program. A request for a copy of the specifications may be submitted in writing to the Department of Motor Vehicles, Division of Management Services and Programs, Vehicle Programs Section, 555 Wright Way, Carson City, Nevada 89711.~~

~~— 2. As used in this section, "document" has the meaning ascribed to it in NRS 482.292.~~

~~— (Added to NAC by Dep't of Motor Veh. by R081-03, eff. 12-4-2003)~~

~~— NAC 482.632 Suspension or revocation and reinstatement of participation. (NRS 482.293)~~

~~— 1. The Department will suspend or revoke the authority of a vehicle dealer or financial institution to participate in the program if:~~

~~— (a) The amount of the bond filed or the deposit made is reduced to an amount that is less than the amount required by the Department pursuant to NAC 482.622;~~

~~— (b) There is an outstanding judgment resulting from the sale, transfer of interest or registration of a motor vehicle for which the vehicle dealer or financial institution is liable;~~

~~— (c) The vehicle dealer violates any provision of NRS 482.352; or~~

~~— (d) The Department determines that suspension or revocation is in the best interests of the~~

public:

~~— 2. A vehicle dealer or financial institution whose participation in the program is suspended pursuant to subsection 1 will be reinstated if the dealer or institution:~~

- ~~— (a) Files an additional bond pursuant to NAC 482.622;~~
- ~~— (b) Restores the deposit to its original amount;~~
- ~~— (c) Satisfies the outstanding judgment for which he is liable; or~~
- ~~— (d) Takes any other action required by the Department.~~

~~— 3. A vehicle dealer or financial institution whose participation in the program is revoked pursuant to subsection 1 will not be reinstated for 1 year after the date of revocation.~~

~~— (Added to NAC by Dep't of Motor Veh. by R081-03, eff. 12-4-2003)~~

~~— NAC 482.634 Termination of participation: Authority of Department. (NRS 482.293) The Department may terminate the participation of a vehicle dealer or financial institution in the program. The grounds for termination include, without limitation:~~

- ~~— 1. The failure of the vehicle dealer or financial institution to engage in the business of a dealer or institution;~~
 - ~~— 2. The failure of the vehicle dealer or financial institution to comply with the applicable provisions of this chapter, chapter 598 of NAC or chapter 482 or 598 of NRS;~~
 - ~~— 3. The failure of the vehicle dealer or financial institution to maintain the bond or deposit required by NAC 482.622; and~~
 - ~~— 4. A violation of any provision of the contract required by NAC 482.618.~~
- ~~— (Added to NAC by Dep't of Motor Veh. by R081-03, eff. 12-4-2003)]~~

NAC 482.700 through 482.710 – Action: Repeal

These definitions are in NRS. There is little benefit for the industry or Department by having these definitions in regulation as they are not being used in a sense that is different than their natural meaning.

~~[NAC 482.700 Definitions. (NRS 482.281) As used in NAC 482.700 to 482.765, inclusive, unless the context otherwise requires, the words and terms defined in NAC 482.705, 482.710 and 482.715 have the meanings ascribed to them in those sections.~~

~~— (Added to NAC by Dep't of Motor Veh. & Pub. Safety by R003-00, eff. 4-3-2000; A by Dep't of Motor Veh. by R052-01, 12-17-2001)~~

~~— NAC 482.705 “Authorized inspection station” defined. (NRS 482.281) “Authorized inspection station” has the meaning ascribed to it in NRS 445B.710.~~

~~— (Added to NAC by Dep't of Motor Veh. & Pub. Safety by R003-00, eff. 4-3-2000)~~

~~— NAC 482.710 “Authorized station” defined. (NRS 482.281) “Authorized station” has the meaning ascribed to it in NRS 445B.720.~~

~~— (Added to NAC by Dep't of Motor Veh. & Pub. Safety by R003-00, eff. 4-3-2000)]~~

MISCELLANEOUS PROVISIONS

NAC 482.903 Action: Repeal

This regulation was adopted in 2006 and upon further review is not needed as NRS allows for such information as the Department requires. The Department's licensing application and renewal application have been updated to request the information.

~~[NAC 482.903 Federal identification number and electronic mail address required on applications for certain licenses. (NRS 482.160)~~

~~1. In addition to the requirements set forth in NRS 482.300, 482.3163, 482.325, 482.333 and 482.363, an application for a license or for the renewal of a license to operate as a short term lessor, vehicle transporter, manufacturer, rebuilder, distributor, dealer, broker or lessor must include the federal identification number and electronic mail address of the applicant's business.~~

~~2. As used in this section, "federal identification number" means:~~

~~(a) Federal taxpayer identification number;~~

~~(b) Federal employer identification number;~~

~~(c) Social security number; or~~

~~(d) Any other identification number issued by the Internal Revenue Service.~~

~~(Added to NAC by Dep't of Motor Veh. by R133-06, eff. 9-18-2006; A by R008-08, 6-17-2008)]~~

CHAPTER 483 – DRIVERS' LICENSES: DRIVING SCHOOLS AND DRIVING INSTRUCTORS

NAC 483.075 - Action: Repeal

This NAC was established to explain what the process is if an applicant obtained an identification card or driver's license with a change to information. The Department is repealing section 483.075 as it is not required by NRS and is covered in various other NRSs.

~~[NAC 483.075 Procedures for issuance of changed driver's license or identification card. (NRS 481.051, 483.220) If a person requests that the Department change the information on his or her driver's license, motorcycle driver's license or identification card pursuant to NAC 483.050 to 483.070, inclusive, the Department shall:~~

~~—1. Require the person requesting the change to surrender his or her current driver's license, motorcycle driver's license or identification card;~~

~~—2. Charge and collect the appropriate fee as set forth in NRS 483.410 or 483.820; and~~

~~—3. Issue a new driver's license, motorcycle driver's license or identification card to the person.]~~

NAC 483.081 through 483.087 Action: Repeal

These NACs were established to set forth requirements related to the renewal of identification cards by mail. Because the regulations were modeled after the Driver's License Renewal by Mail regulations when initially drafted, they were found to be very stringent and prevented the renewal of an identification card by mail for certain applicants that did not have the ability to physically visit a DMV office for the renewal of an identification card. This presented a hardship on Nevada citizens.

The Department is repealing sections 483.081 through 483.087. These regulations are not

required by NRS and create restrictions on staff and the general public as to who may renew an identification card by mail. The Department would like the flexibility to implement renewal by mail requirement by policy.

~~[RENEWAL OF IDENTIFICATION CARDS BY MAIL~~

~~— NAC 483.081 Applicability of provisions. (NRS 481.051, 483.875) The provisions of NAC 483.081 to 483.087, inclusive, apply to a person who is applying to renew his or her identification card by mail.~~

~~— (Added to NAC by Dep't of Motor Veh. by R113-03, eff. 10-30-2003; A by R107-08, 9-29-2008, eff. 10-1-2008)~~

~~— NAC 483.082 Notice of expiration of identification card. (NRS 481.051)~~

~~— 1. Not less than 30 days before the expiration of an identification card, the Department will, if the holder of the identification card has not renewed the identification card, mail a notice of expiration to the holder of the identification card.~~

~~— 2. The Department will include with each notice of expiration mailed pursuant to subsection 1:~~
~~— (a) A notice stating that the holder of the identification card may apply for the renewal of his or her identification card by mail; and~~

~~— (b) An application for the renewal of the identification card by mail that includes the date on which the Department mailed the notice and application to the holder of the identification card.~~

~~— (Added to NAC by Dep't of Motor Veh. by R113-03, eff. 10-30-2003)~~

~~— NAC 483.0825 Application for renewal; action by Department. (NRS 481.051, 483.875)~~

~~— 1. A person specified in NAC 483.081 may apply for the renewal of his or her identification card by mail by submitting to the Department an application provided by the Department. The application must include the applicant's:~~

~~— (a) Except as otherwise provided in this paragraph, mailing address and the address of his or her residence in this State. If the applicant is an employee of the Federal Government or on active military duty or a dependent of such an applicant, he or she is not required to comply with this paragraph, but the applicant must submit an employment or military record which indicates that this State is the state of his or her residence.~~

~~— (b) Mailing address outside the State.~~

~~— (c) Physical description, including, without limitation, the applicant's height and weight and the color of his or her hair and eyes.~~

~~— (d) Mother's maiden name.~~

~~— (e) Signature.~~

~~— 2. Each application must be accompanied by the fees required by NRS 483.820 and NAC 483.900.~~

~~— 3. Each application must be mailed or otherwise delivered to the Department of Motor Vehicles, 555 Wright Way, Carson City, Nevada 89711-0450, Attention: Central Services and Records Division, Renewal by Mail Section.~~

~~— 4. Each applicant may register to vote or correct any information relating to the applicant set forth in the registrar of voters' register.~~

~~— 5. The Department will, within 10 business days after receiving the application:~~

~~— (a) Mail a new identification card to the applicant;~~

~~—(b) Request additional information from the applicant; or~~

~~—(c) Deny the application.~~

~~—6. If the Department has obtained a digital image and signature of the applicant, the digital image and signature will be included on the identification card mailed to the applicant pursuant to this section.~~

~~—7. If the Department has not obtained a digital image of the applicant, the identification card mailed pursuant to this section must have the words “valid without photo” in the place where the photograph of the holder of the identification card would otherwise appear.~~

~~—(Added to NAC by Dep’t of Motor Veh. by R113-03, eff. 10-30-2003; A by R107-08, 9-29-2008, eff. 10-1-2008) —(Substituted in revision for NAC 483.091)~~

~~—NAC 483.0835 Verification of identity of applicant. (NRS 481.051, 483.875)~~

~~—1. The Department may verify the identity of each person who applies for the renewal of his or her identification card by mail by comparing the applicant’s signature on his or her application or letter of request with the signature on the applicant’s current identification card.~~

~~—2. The Department may verify the identity of each applicant by examining other original documents, including, without limitation, the passport or military identification of the applicant.~~

~~—(Added to NAC by Dep’t of Motor Veh. by R113-03, eff. 10-30-2003) —(Substituted in revision for NAC 483.092)~~

~~—NAC 483.084 Eligibility for renewal by mail. (NRS 481.051, 483.220, 483.875)~~

~~—1. The Department will, by mail, renew the identification card of each qualified applicant.~~

~~—2. The holder of an identification card is not eligible to apply for the renewal of the identification card by mail if:~~

~~—(a) The holder is applying to renew by mail for the second consecutive time;~~

~~—(b) The holder is an international instructor, international student or seasonal resident;~~

~~—(c) The holder wishes to change any information other than his or her address which appears on the front of the identification card; or~~

~~—(d) The identification card of the holder has been stolen, lost or destroyed.~~

~~—3. The Department may renew the identification card of any applicant who is employed by the Federal Government, is on active military duty or is the dependent of such a person:~~

~~—(a) Regardless of whether the applicant previously renewed his or her identification card by mail; or~~

~~—(b) If the identification card has been expired for more than 1 year, but less than 2 years.~~

~~—4. As used in this section:~~

~~—(a) “International instructor” has the meaning ascribed to it in NRS 483.081.~~

~~—(b) “International student” has the meaning ascribed to it in NRS 483.082.~~

~~—(c) “Seasonal resident” has the meaning ascribed to it in NAC 481.005.~~

~~—(Added to NAC by Dep’t of Motor Veh. by R113-03, eff. 10-30-2003; A by R124-07, 1-30-2008; R107-08, 9-29-2008, eff. 10-1-2008)~~

~~—NAC 483.085 Denial of application and renewal in person. (NRS 481.051, 483.875) The Department will deny an application for the renewal of an identification card by mail and require the applicant to renew his or her identification card in person at an office of the Department if:~~

~~—1. The applicant wishes to change any information other than his or her address which appears on the front of the identification card;~~

~~—2. The applicant's identification card has been stolen, lost or destroyed; or
—3. Except as otherwise provided in NAC 483.0825, the Department has not obtained the applicant's digital image and signature required for the production of a renewed identification card.~~

~~—(Added to NAC by Dep't of Motor Veh. by R113-03, eff. 10-30-2003; A by R107-08, 9-29-2008, eff. 10-1-2008)~~

~~—NAC 483.086 Renewed identification card: Failure to receive from Department. (NRS 481.051, 483.875)~~

~~—1. If, not less than 4 weeks after the Department mails an identification card that has been renewed by mail to an applicant, the applicant notifies the Department that he or she has not received the renewed identification card and the Department determines that the current mailing address of the applicant is the mailing address that the applicant listed on his or her application, the Department will mail a duplicate identification card to the applicant free of charge.~~

~~—2. If the applicant notifies the Department pursuant to subsection 1 that he or she has not received his or her renewed identification card and the Department determines that the mailing address of the applicant listed on the application is not the current mailing address of the applicant, the applicant must apply to the Department in person for a change of address by completing the required application and submitting any necessary documentation to the Department.~~

~~—(Added to NAC by Dep't of Motor Veh. by R113-03, eff. 10-30-2003; A by R107-08, 9-29-2008, eff. 10-1-2008)~~

~~—NAC 483.087 Renewed identification card: Period of validity; loss, theft or destruction; express delivery service. (NRS 481.051, 483.875)~~

~~—1. An identification card for which a renewed identification card has been produced is valid until:~~

~~—(a) The identification card expires; or~~

~~—(b) The renewed identification card is lost, stolen or destroyed.~~

~~—2. If a renewed identification card is lost, stolen or destroyed, the holder of the renewed identification card must apply in person to the Department for a new identification card. The new identification card expires on the same date as the renewed identification card.~~

~~—3. The Department will charge and collect the fee prescribed for a duplicate identification card set forth in NRS 483.820 for an identification card that is issued pursuant to subsection 2.~~

~~—4. A person who applies for a renewal of his or her identification card by mail and who requests express delivery service of the identification card must pay to the Department the actual costs of that service.]~~

NAC 483.268 Action: Repeal

This NAC was established to testing requirements to obtain a restricted driver's license for medical hardship or transportation to and from school. The Department would like to repeal this NAC as the requirements are already established in NRS 483.330.

~~[NAC 483.268 Examinations. (NRS 483.220, 483.267, 483.270, 483.330) Before the issuance of a restricted license pursuant to NRS 483.267 or 483.270, an applicant must pass a written examination, vision examination and driving examination administered by the Department.]~~

NAC 483.350 through 483.365 Action: Repeal

NRS 483.360 provides for the authority to issue a restricted license based on the physical capabilities of the driver. These NACs establish the medical restriction codes used on a driver's license to indicate what physical or mechanical restrictions are placed on the applicant. Based on the 2009 Commercial Driver's License Audit, the Department is not in compliance with the Federal guidelines for commercial restriction codes and is in position of needing to update and modify the list. The modifications would not prevent any existing card holders from maintaining a card or obtaining future driving privileges.

The Department is repealing sections 483.350 through 483.365 as they define the code used for each restriction and anytime a change is needed regulations must be changed. There is no requirement in NRS for the Department to define these in NAC and by repeal these sections the Department would have the flexibility to establish the codes by policy.

~~[NAC 483.350—Medically related restrictions. (NRS 481.051, 483.220, 483.360, 483.908)~~

~~—1. The restrictions and compulsory requirements described in subsection 2 may be imposed when licensing persons to drive. A driver's license will not be issued and a driving test will not be conducted until the applicant complies with the provisions of this section.~~

Restriction and Description	Criteria for Restriction
Restriction A—Corrective lenses.	This restriction is placed on the driver's license of a person who meets the minimum levels of acceptable vision set forth in NAC 483.340 only with the aid of corrective lenses.
Restriction B—Telescopic device.	This restriction is placed on the driver's license of a person who meets the minimum levels of acceptable vision set forth in NAC 483.340 only with the aid of a telescopic device.
Restriction C—Additional rearview mirrors.	This restriction is placed on the driver's license of a person who is legally blind (20/200) in the right eye whose hearing is impaired, who is required to wear a telescopic device while operating a motor vehicle or whose mobility of his or her head or neck is limited. The restriction may specify the requirement of a right or left outside mirror, outside mirrors on both sides, a wide rearview mirror or a mirror that extends across the entire width of the interior of the windshield.
Restriction G—Directional signals.	This restriction is placed on the driver's license of a person who is physically unable to perform signals with his or her arms or whose license is restricted to hand controls.

Restriction H—Grip on steering wheel or power steering:	- This restriction is placed on the driver's license of a person who has difficulty gripping or turning the steering wheel of the motor vehicle.
-	- -
Restriction I—Hearing aid:	- This restriction may be placed on the driver's license of a person who wears a hearing aid.
-	- -
Restriction J—Seat cushion or automatic seat:	- This restriction is placed on the driver's license of a person who the examiner determines is unable to see adequately out of the windows or reach the control pedals because of his or her size. This restriction is not limited to a seat cushion or automatic seat if another device is available.
-	- -
Restriction K—Hand controls or pedal extensions:	- This restriction is placed on the driver's license of a person who is physically unable to operate the control pedals of a motor vehicle.
-	- -
Restriction L—Left foot accelerator:	- This restriction is placed on the driver's license of a person who is physically unable to operate the right foot accelerator.
-	- -
Restriction M—Yearly vision examination:	- This restriction is placed on the driver's license of any person who is required to wear a telescopic device while operating a motor vehicle or a person whose vision is 20/50 or worse in both eyes and who is determined by an eye specialist to have a progressive abnormality or disease of the eye or a person whose vision is 20/100 or worse in one eye and whose vision is worse than 20/40 in the other eye.
-	- -
Restriction N—Yearly medical [letter] report:	- This restriction is placed on the driver's license of a person who has had seizures or episodes of altered consciousness within the last 3 years or another physical or mental condition that his or her physician determines necessitates a yearly medical examination.
-	- -
Restriction P—Physical examination every 2 years:	- This restriction is placed on the driver's license of a person obtaining a commercial driver's license.
-	- -
Restriction Q—Must wear prosthetic device:	- This restriction is placed on the driver's license of a person who is required to wear a prosthetic device while operating a motor vehicle.
-	- -

Restriction 7—Medical waiver:	- This restriction is placed on the commercial driver's license of a person who obtains a waiver pursuant to the provisions of <u>NAC 483.803</u>.
-	-
—3. The Department will place any other restriction that is not otherwise described in this section or <u>NAC 483.365</u> upon the driver's license of a person if the physician of that person so recommends.	
—NAC 483.360—Restrictions not medically related. (NRS 481.051, 483.220, 483.360, 483.908)	
—1. The restrictions and compulsory requirements described in subsection 2 may be imposed when licensing persons to drive:	
-	-
Restriction and Description	Criteria for Restriction
-	-
Restriction S—Mail renewal, retest required:	- This restriction is placed on the driver's license of a person who is out of the State at the time of renewal and is required to take a test for the renewal of the license, but is unable to do so until returning to Nevada.
-	-
Restriction T—To and from school only:	- This restriction is placed on the driver's license of a person between 14 and 18 years of age who is granted a restricted driver's license to drive to and from school.
-	-
Restriction U—Motorcycle not to exceed 90 cubic centimeters.	- This restriction is placed on the driver's license of a driver who performs the skill portion of the test on a motorcycle which has 90 cubic centimeters or less. The driver may only operate a motorcycle having 90 cubic centimeters or less.
-	-
Restriction V—No passengers on motorcycle.	- This restriction is placed on a Class M driver's instruction permit and prohibits the holder from carrying passengers on a motorcycle.
-	-
Restriction W—Direct visual supervision by a person 21 years of age or older.	- This restriction is placed on a Class M driver's instruction permit and requires the holder, while operating a motorcycle, to be under the direct visual supervision of a person who is licensed to operate a motorcycle and at least 21 years of age.
-	-
Restriction Y—Ignition Interlock Device.	- This restriction is placed on the driver's license of a person if the Department receives a copy of an order of a court of competent jurisdiction that requires that person to install a device in a motor vehicle which he or she owns or operates pursuant

	-	to the provisions of NRS 484.3943 or if the person is required to install such a device pursuant to the provisions of the laws of another state, the District of Columbia, any territory or possession of the United States or any other country.
Restriction Z—Moped.	-	This restriction is placed on the driver's license of a driver who performs the skill portion of the test on a moped. The driver may only operate a moped as defined by NRS 483.088 .
Restriction 1—No air brakes.	-	This restriction is placed on the driver's license of a person who does not pass a knowledge test and a driving skills test in a vehicle which is equipped with air brakes.
Restriction 2—Intrastate operation of a commercial motor vehicle only.	-	This restriction is placed on the commercial driver's license of a person who does not meet the requirements set forth in 49 C.F.R. §§ 391.41 to 391.49, inclusive , or who is under 21 years of age.
Restriction 3—May transport passengers in vehicles falling within Class B or Class C only.	-	This restriction is placed on the Class A commercial driver's license of a person who completes the skills test for a passenger endorsement in a vehicle falling within Class B .
Restriction 4—May transport passengers in vehicles falling within Class C only.	-	This restriction is placed on the Class A or Class B commercial driver's license of a person who completes the skills test for a passenger endorsement in a vehicle falling within Class C .
Restriction 5—May tow a vehicle with a gross vehicle weight rating of more than 10,000 pounds only when operating a noncommercial vehicle falling within Class C.	-	This restriction is placed on a Class B driver's license that contains a J endorsement.
Restriction 6—May tow a combination of vehicles weighing less than 10,000 pounds and not exceeding 70 feet only when operating a noncommercial vehicle.	-	This restriction is placed on every commercial driver's license that contains an R endorsement.
Restriction 8—May tow a forklift only.	-	This restriction is placed on the Class A commercial driver's license of a person if he or she completes the driving skills test towing a forklift.

~~Restriction 9—May operate only vehicles falling within Class A that are tow cars. - This restriction is placed on the Class A commercial driver’s license of a person if he or she completes the driving skills test in a tow car.~~

~~3. As used in this section, “tow car” has the meaning ascribed to it in NRS 484.201.~~

~~**NAC 483.365 Additional restrictions. (NRS 481.051, 483.220, 483.360, 483.908)**~~

~~1. The restrictions and compulsory requirements described in subsection 2 may be imposed when licensing persons to drive. A driver’s license will not be issued and a driving test will not be conducted until the applicant complies with the provisions of this section.~~

~~**Restriction and Description**~~

~~**Criteria for Restriction**~~

~~Restriction D—Daylight driving only.~~

~~This restriction is placed on the driver’s license of a person with visual acuity of 20/50 or worse in both eyes, who is required to wear a telescopic device while operating a motor vehicle or who holds a motorcycle driver’s instruction permit.~~

~~Restriction E—Speed not to exceed 45 miles per hour.~~

~~This restriction is placed on the driver’s license of a person who is required to wear a telescopic device while operating a motor vehicle or upon the recommendation of a physician or the Department after the administration of a driving test to the applicant.~~

~~Restriction F—Automatic transmission.~~

~~This restriction is placed on the driver’s license of a person who is physically unable to operate a motor vehicle that is equipped with a manual transmission or any person who completed the driving skills test for his or her Class A or Class B noncommercial driver’s license or his or her commercial driver’s license in a motor vehicle that is equipped with an automatic transmission.~~

~~Restriction O—Yearly driving test.~~

~~This restriction is placed on the driver’s license of a person based on the person’s performance on his or her driving test or on the driver’s license of a person who is required to wear a telescopic device while operating a motor vehicle.~~

~~Restriction R—No hazardous cargo that requires placarding or no passengers for hire.~~

~~This restriction applies to commercial drivers’ licenses and is placed on the~~

~~commercial driver's license of a person who is under 21 years of age, who has impaired vision or who has a clinical diagnosis of epilepsy or any other ailment that is likely to cause a loss of consciousness, unless the person obtains a waiver pursuant to the provisions of NAC 483.803.~~

~~Restriction X — Other restriction or instruction permit.~~ ~~This restriction is used for any other restrictions that are not described in this section, NAC 483.350 or 483.360 and is placed on each instruction permit issued by the Department.~~

~~3. The Department will place any other restriction that is not described in this section or NAC 483.350 upon the driver's license of a person if the physician of that person so recommends.~~

~~4. As used in this section, "hazardous cargo that requires placarding" means any substance that requires the motor vehicle that transports that substance to bear a placard pursuant to the provisions of 49 C.F.R. § 397.2, as that regulation existed on November 14, 1997.]~~

NAC 483.380 Action: Repeal

This NAC establishes the use of a Medical Advisory Board in assisting the Department to develop health and medical standards for use in issuing driver's licenses. The Department is repealing NAC 483.380 because a Medical Advisory Board has never been established and is not required by any NRS.

~~[NAC 483.380 Medical Advisory Board. (NRS 481.051, 483.220)~~

~~—1. The Director of the Department of Motor Vehicles or his or her authorized representative may request an advisory opinion from the Medical Advisory Board in the case of any person applying for a driver's license, permit or renewal of them, any person whose license has been suspended, revoked, cancelled or denied for any person being examined under the provisions of NRS 483.330, 483.480 or the regulations of the Department, whenever he or she has good cause to believe that such person suffers from any physical or mental disability or disease that may prevent such person from safely operating a motor vehicle.~~

~~—2. The Board shall assist the Department by developing medical and health standards for use in the issuance of driver's licenses by the Department so as to prevent the issuance of licenses to those persons suffering from physical or mental disabilities or diseases which prevent the safe operation of a motor vehicle.~~

~~—3. The Board shall meet when the Director of the Department of Motor Vehicles or his or her authorized representative so requests.~~

~~—4. The Medical Advisory Board may use medical reports submitted to or made by the Board only to determine the mental or physical condition of an applicant. This information is privileged and may be released only to the person examined, to the attorney of the person examined upon his or her written release or pursuant to a court order. Reports of the Medical Advisory Board may be admitted in proceedings under chapter 483 of NRS and the regulations of the Department.]~~

NAC 483.510 Action: Repeal

NRS 483.473 requires the Department establish a uniform system of demerit points for various traffic violations affecting the driving privilege of any person who holds a license in this State. This NAC, when adopted and with all subsequent revisions, establishes the demerit points assessed upon conviction of a traffic violation. As new violations are established during the legislative process, this section needs to be revised. This is a timely and costly process. Because the system of demerits is not required to be defined by regulation, the Department recommends the repeal of NAC 483.510. The Department will maintain the demerit list at a policy level. This will make additions & changes to the demerit list much quicker, easier and cheaper for the Department. A list of demerit points will continue to be available to the general public upon request and will be provided on the Department website.

~~NAC 483.510 Number of points assessed. (NRS 483.220, 483.473) Demerit points will be assessed upon conviction of traffic violations as follows:~~

- ~~—1. Accidents:~~
- ~~—(a) Failing to stop and render aid at the scene of an accident..... 6 demerits~~
- ~~—(b) Failing to disclose identity to a peace officer after a fatal accident or an accident causing personal injury..... 6 demerits~~
- ~~—(c) Leaving the scene of an accident involving property damage before a peace officer arrives..... 6 demerits~~
- ~~—2. Backing and pulling away: -~~
- ~~—(a) Starting improperly from a parked position..... 2 demerits~~
- ~~—(b) Unsafe backing..... 2 demerits~~
- ~~—3. Following too closely or failing to leave sufficient distance between vehicles..... 4 demerits~~
- ~~—4. Inattention to driving: -~~
- ~~—(a) Driving without due care, including, without limitation, failing to decrease speed when necessary..... 4 demerits~~
- ~~—(b) Careless driving..... 6 demerits~~
- ~~—(c) Imprudent driving, including, without limitation, failing to maintain full attention..... 4 demerits~~
- ~~—(d) Coasting when prohibited..... 4 demerits~~
- ~~—5. Miscellaneous: -~~
- ~~—(a) Driving onto or from a controlled access highway where prohibited..... 2 demerits~~
- ~~—(b) Crossing over a fire hose..... 2 demerits~~
- ~~—(c) Minor moving traffic violations other than those listed in this section.. 2 demerits~~
- ~~—(d) Impeding or blocking traffic..... 2 demerits~~
- ~~—(e) Failing to drive in the slow lane when required—{ 2 demerits~~
- ~~—(f) Unsafe operation, including failing to use headlights when required—2 demerits~~
- ~~—(g) Driving on a sidewalk, ditch or shoulder..... 1 demerit~~
- ~~—(h) Following within 500 feet of an emergency vehicle..... 1 demerit~~
- ~~—(i) Driving through a funeral or other procession..... 1 demerit~~
- ~~—6. Motorcycle violations: -~~
- ~~—(a) Carrying too many passengers..... 1 demerit~~
- ~~—(b) Failing to keep one hand on the handlebars..... 2 demerits~~

—(c) Failing to wear protective headgear.....	2 demerits
—(d) Failing to wear glasses, goggles or face shields when the motorcycle is not equipped with a windscreen.....	2 demerits
—(e) Riding between vehicles which occupy adjacent lanes or operating more than two motorcycles abreast in a single lane.....	2 demerits
—7. Overtaking and passing:	-
—(a) Cutting in before it is safe in overtaking a vehicle.....	4 demerits
—(b) Passing where prohibited or without sufficient clearance (except in a no-passing zone).....	4 demerits
—(c) Unsafe passing on the right.....	4 demerits
—(d) Changing lanes improperly.....	4 demerits
—8. Passing a stopped school bus when it is displaying a flashing red light signal.....	4 demerits
—9. Reckless driving.....	8 demerits
—10. Right-of-way:	-
—(a) Failing to yield at an open intersection.....	4 demerits
—(b) Failing to yield at a stop sign or at a controlled intersection.....	4 demerits
—(c) Failing to yield when entering a highway.....	4 demerits
—(d) Failing to yield to an emergency vehicle.....	4 demerits
—(e) Failing to yield to or to exercise due care to avoid a collision with a pedestrian.....	4 demerits
—(f) Failing to yield to or to exercise due care to avoid a collision with a person riding a bicycle.....	4 demerits
—(g) Failing to yield when turning.....	4 demerits
—(h) Failing to yield at a private driveway.....	4 demerits
—11. Signaling:	-
—(a) Failing to give the appropriate signal when required.....	1 demerit
—(b) Failing to sound the horn when required.....	1 demerit
—12. Speeding:	-
—(a) Speeding at least 41 miles per hour over the posted speed limit.....	5 demerits
—(b) Speeding at least 31, but not more than 40, miles per hour over the posted speed limit.....	4 demerits
—(c) Speeding at least 21, but not more than 30, miles per hour over the posted speed limit.....	3 demerits
—(d) Speeding at least 11, but not more than 20, miles per hour over the posted speed limit.....	2 demerits
—(e) Speeding at least 1, but not more than 10, miles per hour over the posted speed limit, unless the person is speeding as set forth in subsection 1 of NRS 484.3685.....	1 demerit
—(f) Speeding with no actual speed or other relevant information indicated..	2 demerits
—13. Traffic signs, signals and road markings that regulate, warn or guide traffic:	-
—(a) Disobeying a police officer or a flag person.....	4 demerits
—(b) Disregarding an official traffic control device, including, without limitation, signs, signals and markings.....	4 demerits
—(c) Disregarding an official traffic control device which exhibits colored lights—	4 demerits
—(d) Disregarding or failing to stop at a railroad signal or marked crossing gate—	4 demerits

—(e) Driving through a safety zone.....	4 demerits
—(f) Passing in a no-passing zone or over a double yellow line.....	4 demerits
—(g) Disregarding a road block sign or control.....	4 demerits
—(h) Disregarding the control signal of a school crossing guard.....	4 demerits
—14. Turning movements:	-
—(a) Unsafe turn using an improper position and method.....	4 demerits
—(b) Improper or prohibited U-turn, or U-turn on a curve or a hill.....	3 demerits
—15. Wrong side or wrong way:	-
—(a) Driving the wrong way on a one-way street.....	4 demerits
—(b) Driving in the center lane when unnecessary.....	4 demerits
—(c) Failing to drive on the right side when required.....	4 demerits
—(d) Driving on the wrong side of a highway.....	4 demerits
—(e) Failing to keep in the proper lane on a mountain highway.....	4 demerits
—(f) Driving the wrong way around a rotary traffic island.....	4 demerits
—16. Impaired driving:	-
—(a) Driving with impaired ability because of alcohol or drugs.....	7 demerits
—(b) Drinking an alcoholic beverage while driving.....	5 demerits

SCHOOLS FOR DRIVERS

General Provisions

NAC 483.712 through 483.733 Action: Repeal

These definitions were originally added for clarification purposes. There is little benefit for the industry or Department by these definitions as they are defined in statute or not being used in a sense that is different than their natural meaning.

~~[NAC 483.712 “Behind the wheel training” defined. (NRS 481.051) “Behind the wheel training” means the portion of a course of training provided by a school for training drivers which is taught through the operation of a motor vehicle under real conditions and which is characterized by a student driving on a driving range, on the street, or both, while under the direction of a licensed instructor.~~

~~—(Added to NAC by Dep’t of Motor Veh. & Pub. Safety by R150-98, eff. 9-25-98)~~

~~—NAC 483.7125 “Branch location” defined. (NRS 481.051) “Branch location” means an established place of business, other than a principal place of business, that has been authorized by the Department to conduct a school for drivers.~~

~~—(Added to NAC by Dep’t of Motor Veh. by R157-01, eff. 8-27-2002)~~

~~—NAC 483.713 “Central Repository” defined. (NRS 481.051) “Central Repository” means the Central Repository for Nevada Records of Criminal History.~~

~~—(Added to NAC by Dep’t of Motor Veh. & Pub. Safety by R150-98, eff. 9-25-98)~~

~~—NAC 483.714 “Classroom instruction” defined. (NRS 481.051) “Classroom instruction” means the portion of a course of training provided by a school for drivers that is taught in a classroom environment by a licensed instructor, other than the provision of classroom instruction to a person who is under 18 years of age. The term includes instruction provided by a school for~~

~~training drivers in an interactive course that uses communications technology pursuant to NRS 483.725.~~

~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R150-98, eff. 9-25-98; A by Dep't of Motor Veh. by R157-01, 8-27-2002)~~

~~—NAC 483.7143 “Classroom instruction to a person who is under 18 years of age” defined. (NRS 481.051) “Classroom instruction to a person who is under 18 years of age” means instruction that is provided by a school for training drivers to enable a person who is under 18 years of age to obtain a license to drive pursuant to NRS 483.250.~~

~~—(Added to NAC by Dep't of Motor Veh. by R157-01, eff. 8-27-2002)~~

~~—NAC 483.7146 “Communications technology” defined. (NRS 481.051) “Communications technology” has the meaning ascribed to it in NRS 483.725.~~

~~—(Added to NAC by Dep't of Motor Veh. by R157-01, eff. 8-27-2002)~~

~~—NAC 483.715 “Course” defined. (NRS 481.051) “Course” means a program of instruction offered by a school for drivers which includes instruction in a classroom or motor vehicle, or both.~~

~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-9-95; A by Dep't of Motor Veh. by R157-01, 8-27-2002)~~

~~—NAC 483.717 “Director” defined. (NRS 481.051) “Director” means the Director of the Department of Motor Vehicles.~~

~~—(Added to NAC by Dep't of Motor Veh. by R157-01, eff. 8-27-2002)~~

~~—NAC 483.720 “Established place of business” defined. (NRS 481.051) “Established place of business” means a place where a school for drivers is authorized by the Department to conduct the business of the school. The term includes a principal place of business and a branch location.~~

~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-9-95; A by Dep't of Motor Veh. by R157-01, 8-27-2002)~~

~~—NAC 483.725 “Instructor” defined. (NRS 481.051) “Instructor” means a person who is licensed by the Department to teach a course in a school for drivers.~~

~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-9-95; A by R150-98, 9-25-98; A by Dep't of Motor Veh. by R157-01, 8-27-2002)~~

~~—NAC 483.727 “Instructor trainee” defined. (NRS 481.051) “Instructor trainee” means a person licensed by the Department to teach a course in a school for drivers so long as a licensed instructor is present in the classroom.~~

~~—(Added to NAC by Dep't of Motor Veh. by R157-01, eff. 8-27-2002)~~

~~—NAC 483.730 “Operator” defined. (NRS 481.051) “Operator” means a person, including an owner of a school for drivers or a person designated by the owner, who is licensed by the Department to direct and manage the operations of a school for drivers.~~

~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-9-95; A by Dep't of Motor Veh. by R157-01, 8-27-2002)~~

~~—NAC 483.733 “School for drivers” defined. (NRS 481.051) “School for drivers” includes:~~

~~—1. A school for training drivers;~~
~~—2. A school or other entity that offers a course on the abuse of alcohol and controlled substances; and~~
~~—3. A school that offers a course on traffic safety, including, without limitation, defensive driving.~~
~~—(Added to NAC by Dep't of Motor Veh. by R157-01, eff. 8-27-2002)}~~

NAC 483.740 Action: Repeal

This definition was originally for clarification purposes only and is not currently being used in a sense that is different than its natural meaning.

~~[NAC 483.740 “Student” defined. (NRS 481.051) “Student” means a person enrolled in a school for drivers which is licensed by the Department.~~

~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-9-95; A by Dep't of Motor Veh. by R157-01, 8-27-2002)}~~

Licensing of Operators and Instructors

NAC 483.748 Action: Repeal

This regulation was adopted in 2008 and upon further review is not needed as NRS allows for such information as the Department requires. The Department's licensing application and renewal application have been updated to request the information.

~~[NAC 483.748 Application for license as operator: Federal identification number and electronic mail address. (NRS 481.051) An application for a license or the renewal of a license to operate a school for drivers must include the federal identification number and an electronic mail address of the applicant's business.~~

~~—(Added to NAC by Dep't of Motor Veh. by R009-08, eff. 6-17-2008)}~~

NAC 483.751 Action: Repeal

This section clarifies the bond requirements for branches and allows the operator of a school to have one bond for all locations. This has value, but should be included in section 483.750 above and repealed.

~~[NAC 483.751 Licensure as operator: Filing of surety bond for branch location. (NRS 481.051, 483.710) The Department will interpret the provisions of NRS 483.710 concerning the filing of a surety bond as not requiring a licensed operator of a school for training drivers who has filed such a surety bond to file an additional surety bond if:~~

- ~~1. The operator files an application to operate a branch location of the school; and~~
- ~~2. The branch location will have the identical ownership and be operated under the same name as the school.~~

~~(Added to NAC by Dep't of Motor Veh. by R157-01, eff. 8-27-2002)}~~

NAC 483.7625 Action: Repeal

This section was originally added to clarify when a license would be suspended, revoked or refused to be renewed. However, the language reflects applying for a license instead of

suspending, revoking or refusing to renew a license and is similar to NAC 483.756 & 483.7631. Therefore, it is no longer needed.

~~[NAC 483.7625 Grounds for suspension, revocation or refusal to renew license. (NRS 481.051, 483.760) The Department may suspend, revoke or refuse to renew a license to operate a school or as an instructor if:~~

~~1. The applicant was previously issued a license by the Department that was suspended or revoked by the Department and was not reissued or reinstated;~~

~~2. The applicant has committed an act which would be a ground for the suspension or revocation of a license;~~

~~3. The applicant has knowingly made a false statement or concealed a material fact in applying for the license;~~

~~4. In the case of an application for a license to operate a school, the name proposed for the school violates the provisions concerning names set forth in NAC 483.772 or could be confusing or misleading to the general public;~~

~~5. The licensee fails to comply with the provisions of NRS 483.700 to 483.780, inclusive, or NAC 483.708 to 483.795, inclusive, including, without limitation, failure to:~~

~~(a) Apply for approval from the Department for changes in the curriculum, schedule of classes or physical or mailing address of the school as required by NAC 483.768; or~~

~~(b) Provide the Department with a current schedule of classes and instructors at least once a month;~~

~~6. The applicant has been convicted of:~~

~~(a) A felony;~~

~~(b) A gross misdemeanor;~~

~~(c) An offense involving fraud, dishonesty or moral turpitude;~~

~~(d) A sexual offense as defined in NRS 179D.410; or~~

~~(e) A crime that the Department determines is related to the license for which the applicant applies; or~~

~~7. The Director determines that suspending, revoking or refusing to renew the license of the applicant is in the best interest of the public.~~

~~(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-9-95; A by R150-98, 9-25-98; A by Dep't of Motor Veh. by R157-01, 8-27-2002)]~~

Administration and Operation

NAC 483.766 Action: **Repeal**

This section included additional requirements for schools and to be located within the state. However, it did not provide for schools using interactive courses by communications technology. Recommend repealing this language as it is restrictive for Internet-based schools and has similar language in NAC 483.754 which is being modified to include provisions below as necessary.

~~[NAC 483.766 Place of business of school: Requirements; inspection. (NRS 481.051, 483.710)~~

~~1. An established place of business for a school for drivers, in addition to complying with all applicable statutory requirements:~~

~~(a) Must be located within this State;~~

~~(b) Must not consist only of a temporary address, mail drop or post office box;~~

~~(c) Must be actually occupied continuously or during regular periods;~~

~~(d) Must provide for adequate:~~

~~(1) Ventilation;~~

~~(2) Heating and air conditioning;~~

~~(3) Lighting;~~

~~(4) Space per student and space for testing purposes;~~

~~(5) Fire exits;~~

~~(6) Restrooms;~~

~~(7) Facilities for persons with disabilities;~~

~~(8) Desks, chairs and audiovisual aids; and~~

~~(9) Accessibility to public parking areas or spaces;~~

~~(e) Must comply with all applicable state and local zoning, health and safety codes; and~~

~~(f) Must not be housed within a:~~

~~(1) Facility that dispenses any alcoholic beverage;~~

~~(2) Hotel room;~~

~~(3) House trailer or mobile home unless, after inspection, a fire or health authority approves the use of the house trailer or mobile home as an established place of business;~~

~~(4) Private home, unless the private home is licensed for that use by a business licensing agency of competent jurisdiction; or~~

~~(5) Rooming house.~~

~~2. If the established place of business is to be designated a principal place of business, it must be of sufficient size to store safely the books and records of the principal place of business and all branch locations operated under the same name.~~

~~3. A representative of the Department may inspect an established place of business at any reasonable time to determine compliance with the requirements of this section.~~

~~(Added to NAC by Dep't of Motor Veh. by R157-01, eff. 8-27-2002)}~~

CHAPTER 485 – MOTOR VEHICLES: INSURANCE AND FINANCIAL RESPONSIBILITY

NAC 485.023 and 485.024 – Action: Repeal

These definitions are in NRS. There is little benefit for the industry or Department by having these definitions in regulation as they are not being used in a sense that is different than their natural meaning.

~~[NAC 485.023 “Department” defined. (NRS 485.130) “Department” means the Department of Motor Vehicles.~~

~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R176-97, eff. 6-4-98; A by Dep't of Motor Veh. by R162-01, 2-12-2002)~~

~~—NAC 485.024 “Director” defined. (NRS 485.130) “Director” means the Director of the Department of Motor Vehicles.~~

~~—(Added to NAC by Dep't of Motor Veh. by R162-01, eff. 2-12-2002)}~~

CHAPTER 487 – REPAIR, REMOVAL AND DISPOSAL OF VEHICLES

GENERAL PROVISIONS

NAC 487.001 through 487.009 Action: Repeal

These definitions were added in 2004 and 2006 for clarification purposes. There is little benefit for the industry or Department by these definitions as they are defined in statute or not being used in a sense that is different than their natural meaning.

~~[NAC 487.001 Definitions. (NRS 481.051) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 487.002 to 487.009, inclusive, have the meanings ascribed to them in those sections.~~

~~—(Added to NAC by Dep't of Motor Veh. by R038-04 & R146-04, eff. 10-14-2004; A by R133-06, 9-18-2006)~~

~~—NAC 487.002 “Business day” defined. (NRS 481.051) “Business day” does not include a Saturday, Sunday or legal holiday.~~

~~—(Added to NAC by Dep't of Motor Veh. by R038-04, eff. 11-2-2004)~~

~~—NAC 487.003 “Department” defined. (NRS 481.051) “Department” means the Department of Motor Vehicles.~~

~~—(Added to NAC by Dep't of Motor Veh. by R038-04 & R146-04, eff. 10-14-2004)~~

~~—NAC 487.004 “Director” defined. (NRS 481.051) “Director” means the Director of the Department.~~

~~—(Added to NAC by Dep't of Motor Veh. by R038-04 & R146-04, eff. 10-14-2004)~~

~~—NAC 487.0044 “Federal identification number” defined. (NRS 481.051) “Federal identification number” means:~~

~~—1. Federal taxpayer identification number;~~

~~—2. Federal employer identification number;~~

~~—3. Social security number; or~~

~~—4. Any other identification number issued by the Internal Revenue Service.~~

~~—(Added to NAC by Dep't of Motor Veh. by R133-06, eff. 9-18-2006)~~

~~—NAC 487.005 “Manufactured Housing Division” defined. (NRS 481.051) “Manufactured Housing Division” means the Manufactured Housing Division of the Department of Business and Industry.~~

~~—(Added to NAC by Dep't of Motor Veh. by R038-04, eff. 11-2-2004)~~

~~—NAC 487.006 “Nonrepairable vehicle certificate” defined. (NRS 481.051) “Nonrepairable vehicle certificate” means a certificate issued by the state agency pursuant to NRS 487.880.~~

~~—(Added to NAC by Dep't of Motor Veh. by R038-04, eff. 11-2-2004)~~

~~—NAC 487.007 “Salvage title” defined. (NRS 481.051) “Salvage title” means a certificate of title issued by the state agency pursuant to NRS 487.810.~~

~~—(Added to NAC by Dep't of Motor Veh. by R038-04, eff. 11-2-2004)~~

~~— NAC 487.0075 “Salvage vehicle” defined. (NRS 481.051) “Salvage vehicle” has the meaning ascribed to it in NRS 487.770.~~

~~— (Added to NAC by Dep’t of Motor Veh. by R038-04, eff. 11-2-2004)~~

~~— NAC 487.008 “State agency” defined. (NRS 481.051) “State agency” has the meaning ascribed to it in NRS 487.007.~~

~~— (Added to NAC by Dep’t of Motor Veh. by R038-04, eff. 11-2-2004)~~

~~— NAC 487.009 “Vehicle” defined. (NRS 481.051) “Vehicle” has the meaning ascribed to it in NRS 482.135.~~

~~— (Added to NAC by Dep’t of Motor Veh. by R038-04, eff. 11-2-2004)]~~

AUTOMOBILE WRECKERS

NAC 487.013 Action: Repeal

This regulation was adopted in 2006 and upon further review is not needed as NRS allows for such information as the Department requires. The Department’s licensing application and renewal application have been updated to request the information.

~~[NAC 487.013 Application for license: Federal identification number required. (NRS 481.051, 487.050) In addition to the requirements set forth in NRS 487.050 and 487.060, an application for a license or for the renewal of a license to operate as an automobile wrecker must include the federal identification number and electronic mail address of the applicant’s business.~~

~~— (Added to NAC by Dep’t of Motor Veh. by R133-06, eff. 9-18-2006; A 6-17-2008)]~~

SALVAGE POOLS

NAC 487.050 Action: Repeal

This regulation was adopted in 2006 and upon further review is not needed as NRS allows for such information as the Department requires. The Department’s licensing application and renewal application have been updated to request the information.

~~[NAC 487.050 Application for license to operate: Federal identification number required. (NRS 481.051, 487.410) In addition to the requirements set forth in NRS 487.410 and 487.420, an application for a license or for the renewal of a license to operate a salvage pool must include the federal identification number and electronic mail address of the applicant’s business.~~

~~— (Added to NAC by Dep’t of Motor Veh. by R133-06, eff. 9-18-2006; A 6-17-2008)]~~

BODY SHOPS

NAC 487.110 Action: Repeal

This section was originally added in 1989 and the FEIN and electronic mail address portion was adopted in 2008. Upon further review it is not needed as NRS allows for such information as the Department requires. The Department’s licensing application and renewal application have been updated to request the information.

~~[NAC 487.110 Application for license. (NRS 481.051, 487.630, 487.640) An application for a license to operate a body shop must include:~~

~~— 1. A completed DS-237 application form. The form may be obtained from the Department.~~

~~— 2. For each principal in the business:~~

~~— (a) A completed DS-242 personal history questionnaire. The questionnaire may be obtained from the Department.~~

~~— (b) A photograph of each principal.~~

~~— (c) A set of fingerprints.~~

~~— 3. A copy of a city or county business license.~~

~~— 4. Documents of incorporation for the business, if applicable.~~

~~— 5. The sales tax number of the business.~~

~~— 6. The federal identification number of the business.~~

~~— 7. The electronic mail address of the business.~~

~~The application must be accompanied by the surety bond or deposit required by NRS 487.640.~~

~~— (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 3-14-89; A 6-17-2008)]~~

NAC 487.120 Action: Repeal

These sections were added to NRS in the 2009 Legislative Session as indicated below.

~~**NRS 487.630** [NAC 487.120 Display of license and name of business. (NRS 481.051, 487.620, 487.630)~~

~~— 1. A license to operate a body shop must be displayed in a conspicuous place under glass or other transparent material within the body shop.]~~

~~**NRS 487.620** [2. A licensed body shop must display its business name in letters sufficient to be legible from the center of the nearest roadway adjacent to the established place of business.~~

~~— (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 3-14-89)]~~

GARAGES AND GARAGEMEN

NAC 487.205 through 487.225 Action: Repeal

These definitions were added in 2004 for clarification purposes. There is little benefit for the industry or Department by these definitions as they are defined in statute.

~~[NAC 487.205 Definitions. (NRS 481.051) As used in NAC 487.205 to 487.290, inclusive, unless the context otherwise requires, the words and terms defined in NAC 487.210 to 487.225, inclusive, have the meanings ascribed to them in those sections.~~

~~— (Added to NAC by Dep't of Motor Veh. by R146-04, eff. 10-14-2004; A by R133-06, 9-18-2006)~~

~~— NAC 487.210 “Garage” defined. (NRS 481.051) “Garage” has the meaning ascribed to it in NRS 487.540.~~

~~— (Added to NAC by Dep't of Motor Veh. by R146-04, eff. 10-14-2004)~~

~~— NAC 487.215 “Garageman” defined. (NRS 481.051) “Garageman” has the meaning ascribed to it in NRS 487.545.~~

~~— (Added to NAC by Dep't of Motor Veh. by R146-04, eff. 10-14-2004)~~

~~— NAC 487.220 “Motor vehicle” defined. (NRS 481.051) “Motor vehicle” has the meaning ascribed to it in NRS 487.550.~~

~~— (Added to NAC by Dep’t of Motor Veh. by R146-04, eff. 10-14-2004)~~

~~— NAC 487.225 “Person authorizing repairs” defined. (NRS 481.051) “Person authorizing repairs” means a person who uses the services of a garage. The term includes an insurance company, its agents or representatives, authorizing repairs to motor vehicles under a policy of insurance.~~

~~— (Added to NAC by Dep’t of Motor Veh. by R146-04, eff. 10-14-2004)]~~

NAC 487.228 Action: Repeal

This regulation was adopted in 2006 and upon further review is not needed as NRS allows for such information as the Department requires. The Department’s licensing application and renewal application have been updated to request the information.

~~[NAC 487.228 Application for registration to operate garage: Federal identification number required. (NRS 481.051, 487.560) In addition to the requirements set forth in NRS 487.560 and 487.563, an application for registration or for the renewal of registration to operate a garage must include the federal identification number and electronic mail address of the applicant’s business.~~

~~— (Added to NAC by Dep’t of Motor Veh. by R133-06, eff. 9-18-2006; A 6-17-2008)]~~

NAC 487.6871 through 487.6877 Action: Repeal

These sections were added to NRS in the 2009 Legislative Session as indicated below.

~~**Added as NRS 487.6871** [NAC 487.230 Display of sign required; contents of sign; penalty. (NRS 481.051, 487.570) — 1. Each garageman shall display conspicuously in those areas of his place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:~~

~~-~~

~~STATE OF NEVADA~~

~~-~~

~~REGISTERED GARAGE~~

~~-~~

~~THIS GARAGE IS REGISTERED WITH THE DEPARTMENT OF MOTOR VEHICLES~~

~~-~~

~~NEVADA AUTOMOTIVE REPAIR CUSTOMER BILL OF RIGHTS~~

~~-~~

~~AS A CUSTOMER IN NEVADA:~~

~~-~~

~~YOU have the right to receive repairs from a business that is REGISTERED with the Department of Motor Vehicles that will ensure the proper repair of your vehicle. (NRS 597.490)~~

~~-~~

~~YOU have the right to receive a WRITTEN ESTIMATE of charges for repairs made to your vehicle which exceed \$50. (NRS 597.510)~~

~~-~~

~~YOU have the right to read and understand all documents and warranties BEFORE YOU SIGN~~

~~THEM. (NRS 597.490)~~

~~-~~

~~YOU have the right to INSPECT ALL REPLACED PARTS and accessories that are covered by a warranty and for which a charge is made. (NRS 597.550)~~

~~-~~

~~YOU have the right to request that all replaced parts and accessories that are not covered by a warranty BE RETURNED TO YOU AT THE TIME OF SERVICE. (NRS 597.550)~~

~~-~~

~~YOU have the right to require authorization BEFORE any additional repairs are made to your vehicle if the charges for those repairs exceed 20 percent of the original estimate or \$100, whichever is less. (NRS 597.520)~~

~~-~~

~~YOU have the right to receive a COMPLETED STATEMENT OF CHARGES for repairs made to your vehicle. (NRS 487.035)~~

~~-~~

~~YOU have the right to a FAIR RESOLUTION of any dispute that develops concerning the repair of your vehicle. (NRS 597.490)~~

~~-~~

~~FOR MORE INFORMATION PLEASE CONTACT:~~

~~-~~

~~THE DEPARTMENT OF BUSINESS AND INDUSTRY~~

~~-~~

~~CONSUMER AFFAIRS DIVISION~~

~~-~~

~~IN CLARK COUNTY: (702) 486-7355~~

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~~ALL OTHER AREAS TOLL FREE: 1-800-326-5202~~

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~~— 2. The sign required pursuant to the provisions of subsection 1 must include a replica of the Great Seal of the State of Nevada. The Seal must be 2 inches in diameter and be centered on the face of the sign directly above the words “STATE OF NEVADA.”~~

~~— 3. Any person who violates the provisions of this section is subject to prosecution for a misdemeanor in accordance with NRS 597.490.~~

~~— (Added to NAC by Dep’t of Motor Veh. by R146-04, eff. 10-14-2004)]~~

~~**Added as NRS 487.6873** [NAC 487.235 Duties of garageman on acceptance of vehicle for repair. (NRS 481.051, 487.570) Whenever any garageman accepts or assumes control of a motor vehicle for the purpose of making or completing any repair, he shall comply with the provisions of NAC 487.240 to 487.275, inclusive.~~

~~— (Added to NAC by Dep’t of Motor Veh. by R146-04, eff. 10-14-2004)]~~

~~**Added as NRS 487.6875** [NAC 487.240 Estimate of costs required for certain repairs. (NRS 481.051, 487.570)~~

~~— 1. Except as otherwise provided in NAC 487.250, a person requesting or authorizing the repair of a motor vehicle that is more than \$50 must be furnished a written estimate or statement signed by the person making the estimate or statement on behalf of the garageman, indicating the~~

~~total charge for the performance of the work necessary to accomplish the repair, including the charge for labor and all parts and accessories necessary to perform the work.~~

~~— 2. If the estimate is for the purpose of diagnosing a malfunction, the estimate must include the cost of:~~

~~— (a) Diagnosis and disassembly; and~~

~~— (b) Reassembly, if the person does not authorize the repair.~~

~~— 3. The provisions of this section do not require a garageman to reassemble a motor vehicle if he determines that the reassembly of the motor vehicle would render the vehicle unsafe to operate.~~

~~— (Added to NAC by Dep't of Motor Veh. by R146-04, eff. 10-14-2004)]~~

Added as NRS 487.6877 ~~[NAC 487.245 Notice of additional charges over estimate required in certain cases. (NRS 481.051, 487.570) Except as otherwise provided in NAC 487.250, if it is determined that additional charges are required to perform the repair of a motor vehicle which is authorized, and those additional charges exceed, by 20 percent or \$100, whichever is less, the amount set forth in the estimate or statement required to be furnished pursuant to the provisions of NAC 487.240, the garageman shall notify in writing the person authorizing repairs of the amount of those additional charges before the garageman may undertake any repair which would involve such additional charges.~~

~~— (Added to NAC by Dep't of Motor Veh. by R146-04, eff. 10-14-2004)]~~

NAC 487.255 through 487.270 Action: Repeal

These sections were added to NRS in the 2009 Legislative Session as indicated below.

Added as NRS 487.6881 ~~[NAC 487.255 Duties of person authorizing repairs upon receipt of notice of additional charges; authority of garageman. (NRS 481.051, 487.570)~~

~~— 1. A person authorizing repairs who has been notified of additional charges pursuant to the provisions of NAC 487.245 shall:~~

~~— (a) Authorize the performance of the repair at the additional expense; or~~

~~— (b) Without delay, and upon payment of the authorized charges, take possession of the motor vehicle.~~

~~— 2. Until the election provided for in subsection 1 has been made, the garageman shall not undertake any repair which would involve such additional charges.~~

~~— 3. If the person elects to take possession of the motor vehicle but fails to take possession within a 24-hour period after such election, the garageman may charge for storage of the vehicle.~~

~~— (Added to NAC by Dep't of Motor Veh. by R146-04, eff. 10-14-2004)]~~

Added as NRS 487.6883 ~~[NAC 487.260 Delivery of replaced parts upon request; exception. (NRS 481.051, 487.570)~~

~~— 1. Whenever the repair work performed on a motor vehicle requires the replacement of any parts or accessories, the garageman shall, at the request of the person authorizing the repairs or any person entitled to possession of the motor vehicle, deliver to such person all parts and accessories replaced as a result of the work done.~~

~~— 2. The provisions of subsection 1 do not apply to parts or accessories which must be returned to a manufacturer or distributor under a warranty arrangement or which are subject to exchange, but the customer on request is entitled to be shown such warranty parts for which a charge is made.~~

~~—(Added to NAC by Dep't of Motor Veh. by R146-04, eff. 10-14-2004)]~~

Added as NRS 487.6893 ~~[NAC 487.265 Statement of charges for repair: Presentation; contents; penalty; prerequisites to enforcement of lien; execution. (NRS 481.051, 487.035, 487.570)~~

~~—1. In accordance with the provisions set forth in NRS 487.035:~~

~~—(a) If a garageman makes charges for the repair of a motor vehicle, the garageman shall present to the person requesting the repairs or to the person entitled to possession of the motor vehicle a statement of the charges containing the following information:~~

~~—(1) The name and signature of the person authorizing or requesting the repairs;~~

~~—(2) A statement of the total charges;~~

~~—(3) An itemization and description of all parts used to repair the motor vehicle indicating the charges made for each part;~~

~~—(4) A statement of the charges made for labor; and~~

~~—(5) A description of all other charges.~~

~~—(b) A garageman who violates the provisions of this section is subject to prosecution for a misdemeanor.~~

~~—(c) In the case of a motor vehicle registered in the State of Nevada, no lien for labor or materials provided under NRS 108.265 to 108.360, inclusive, may be enforced by sale or otherwise unless a statement as described in subsection 1 has been given by delivery in person or by certified mail to the last known address of the registered and the legal owner of the motor vehicle. In all other cases, such notice must be made to the last known address of the registered owner and any other person known to have or to claim an interest in the motor vehicle.~~

~~—2. A garageman may not undertake the repair of the motor vehicle without the signature of the person authorizing or requesting the repairs on the statement of charges.~~

~~—3. As used in this section, "statement of charges" includes, without limitation:~~

~~—(a) A work order;~~

~~—(b) An invoice; and~~

~~—(c) Any other form or documentation which is used in the normal course of business of a garageman and contains the information required pursuant to paragraph (a) of subsection 1.~~

~~—(Added to NAC by Dep't of Motor Veh. by R146-04, eff. 10-14-2004)]~~

Added as NRS 487.6887 ~~[NAC 487.270 Compliance with certain provisions required when charges made for repair; enforcement of liens and contracts. (NRS 481.051, 487.570) In every instance where charges are made for the repair of a motor vehicle, the garageman making the repairs shall comply with the provisions of NAC 487.240 to 487.265, inclusive. He is not entitled to detain a motor vehicle by virtue of any common law or statutory lien, or otherwise enforce such lien, nor shall he have the right to sue on any contract for repairs made by him, unless he has complied with the requirements of NAC 487.240 to 487.265, inclusive.~~

~~—(Added to NAC by Dep't of Motor Veh. by R146-04, eff. 10-14-2004)]~~

NAC 487.280 through 487.285 Action: Repeal

These sections were added to NRS in the 2009 Legislative Session as indicated below.

~~Added as NRS 487.6895 [NAC 487.280—Violations: Injunctive relief. (NRS 481.051, 487.570) The Attorney General or any district attorney is authorized to bring an action in any court of competent jurisdiction in the name of the State of Nevada on the complaint of the Commissioner of Consumer Affairs or of any person allegedly aggrieved by such violation to enjoin any violation of the provisions of NAC 487.240 to 487.275, inclusive, in accordance with NRS 597.580.~~

~~—(Added to NAC by Dep't of Motor Veh. by R146-04, eff. 10-14-2004)]~~

~~Added as NRS 487.6897 [NAC 487.285—Violations: Civil penalty. (NRS 481.051, 487.570) Any person who knowingly violates any provision of NAC 487.240 to 487.275, inclusive, is subject to liability, in addition to any other penalty or remedy which may be provided by law, for a civil penalty of not more than \$500 for each offense, which may be recovered by civil action on complaint of the Commissioner of Consumer Affairs, or the district attorney in accordance with NRS 597.590.~~

~~—(Added to NAC by Dep't of Motor Veh. by R146-04, eff. 10-14-2004)]~~