

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

**LCB File No. R065-12**

June 5, 2012

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

AUTHORITY: §1, NRS 360A.020; §2, NRS 445B.785; §§3 and 11-13, NRS 481.051; §§4 and 5, NRS 482.160; §6, NRS 482.281; §7, NRS 483.330, §§8 and 9, NRS 483.220 and 483.360; §10, NRS 485.130; §14, NRS 481.051 and 487.564; §15, NRS 360A.020, 365.110, 445B.785, 481.051, 482.160, 482.281, 482.293, 482.384, 483.220, 483.270, 483.330 and 485.130.

A REGULATION relating to motor vehicles; repealing certain regulations related to motor vehicles; making various other conforming changes; and providing other matters properly relating thereto.

**Section 1.** NAC 360A.010 is hereby amended to read as follows:

360A.010 As used in this chapter, unless the context otherwise requires, ~~[the words and terms defined in NAC 360A.020 to 360A.070, inclusive, have the meanings ascribed to them in those sections.]~~ *“good cause” means a circumstance that is beyond the control of a taxpayer and occurs despite the exercise of ordinary care and without willful neglect. The term includes, without limitation:*

- 1. A fire, earthquake, flood or other act of God;*
- 2. Theft that is documented by a law enforcement agency; or*
- 3. The death or serious illness of the taxpayer, a great-grandparent, grandparent, parent, brother, sister, daughter, son, spouse, grandchild or great-grandchild of the taxpayer or his or her agent whose job or duty it is to collect, account for or pay to the Department a tax or fee imposed by chapter 365, 366 or 373 of NRS or NRS 590.120 or 590.840.*

**Sec. 2.** NAC 445B.401 is hereby amended to read as follows:

445B.401 As used in NAC 445B.400 to 445B.735, inclusive, unless the context otherwise requires, the words and terms defined in NAC ~~[445B.403]~~ **445B.408** to 445B.4556, inclusive, have the meanings ascribed to them in those sections.

**Sec. 3.** NAC 481.140 is hereby amended to read as follows:

481.140 As used in NAC 481.140 to 481.355, inclusive, unless the context otherwise requires, the words and terms defined in NAC ~~[481.150 to 481.190, inclusive,]~~ **481.170, 481.180 and 481.190** have the meanings ascribed to them in those sections.

**Sec. 4.** NAC 482.286 is hereby amended to read as follows:

482.286 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.

**Sec. 5.** NAC 482.450 is hereby amended to read as follows:

482.450 As used in NAC 482.450 to 482.480, inclusive, unless the context otherwise requires, ~~[the words and terms defined in NAC 482.455 and 482.460 have the meanings ascribed to them in those sections.]~~ ***“notice of nonpayment” means a notice that is filed with the Department by a local authority pursuant to NRS 484B.527.***

**Sec. 6.** NAC 482.700 is hereby amended to read as follows:

482.700 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.]~~ *“program” means the program established by the Department pursuant to NRS 482.281 under which authorized inspection stations and authorized stations may renew registrations of motor vehicles or offer services for the renewal of registrations of motor vehicles.*

**Sec. 7.** NAC 483.275 is hereby amended to read as follows:

483.275 1. The Department will not renew a restricted license issued pursuant to NRS 483.267 or 483.270.

2. The Department may extend the expiration date for a restricted license issued pursuant to NRS 483.267 if:

(a) The license was issued to the licensee because a member of his or her household had a temporary medical condition which rendered that member unable to operate a motor vehicle; and

(b) Because of that medical condition, the member of the licensee’s household is unable to operate a motor vehicle when the restricted license expires.

3. The Department may waive any of the examinations required pursuant to ~~[NAC 483.268]~~ *NRS 483.330* if the applicant was the holder of a restricted license issued pursuant to NRS 483.270 which expired not more than 6 months before the Department received the application for a new restricted license.

4. The Department will not require an applicant for an unrestricted driver’s license to pass a written, vision or driving examination administered pursuant to NRS 483.330 if:

(a) The applicant complies with all other requirements for the issuance of a driver’s license; and

(b) The applicant was issued a restricted license pursuant to NRS 483.267 or 483.270 which expired not more than 6 months before the Department received his or her application for a driver's license.

**Sec. 8.** NAC 483.310 is hereby amended to read as follows:

483.310 1. If a representative of the Department has good cause to believe that an applicant is afflicted with or suffering from any physical or mental disability or disease which may prevent the applicant from operating a motor vehicle safely or which makes such operation hazardous to public safety, the Department may require physical or mental examinations and reports by a licensed physician, psychiatrist, psychologist, certified drug and alcohol counselor or any other competent authority acceptable to the Department. The cost of the examination must be borne by the person whose fitness to operate a motor vehicle safely is in question. The applicant must submit a medical report to the Department that is completed and signed by the applicant's physician. The medical report must indicate whether the condition of the applicant and any medication prescribed for the applicant would affect his or her ability to operate a motor vehicle safely. The report must be submitted within 30 days after the date of the physical or mental examination.

2. The Department will include, as part of the application for a driver's license, renewal or permit, questions as to the existence of physical or mental conditions which may impair the ability of the applicant to operate a motor vehicle safely or which make such operation hazardous to the public safety. These questions must be answered by each applicant for a driver's license or permit and by each licensee seeking renewal of his or her driver's license.

3. If the answer to any such question indicates the existence of any physical or mental disability which the Department determines may prevent the applicant from safely operating a

motor vehicle, the Department may require an examination of the applicant by a licensed physician or psychiatrist, psychologist, certified drug and alcohol counselor or any other competent authority acceptable to the Department as a prerequisite to the issuance of a license or permit. The examination must be completed on a form furnished by or acceptable to the Department. The cost of the examination must be borne by the person whose fitness to operate a motor vehicle safely is in question. The medical reports are advisory and are not binding on the Department.

4. The Department will not issue a license to an applicant before evaluation of the medical report by the Department . ~~for the Medical Advisory Board.~~ If the medical report is received within 30 days after the date of the physical or mental examination, or 90 days after the visual examination, the Department will evaluate the applicant and will issue or deny the license or instruction permit, with or without restrictions.

5. The Department may use the results of any physical or mental examinations or reports only to determine the physical or mental competency of the person for the purpose of revoking, suspending, allowing a voluntary surrender and cancelling, denying or issuing a driver's license or permit. 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, pursuant to a court order or to the Departmental hearing officer upon the person's written request for a hearing.

**Sec. 9.** NAC 483.340 is hereby amended to read as follows:

483.340 1. The following summary of vision standards consists of minimum levels of acceptable vision and the restrictions that will be imposed on a driver if he or she fails to meet those minimum levels:

(a) Vision with no progressive abnormalities or diseases of the eye:

- (1) Better than and including 20/40 - full driving privileges.
  - (2) Worse than 20/40 through and including 20/70 - daylight driving only.
  - (3) Worse than 20/70 - not eligible to be licensed.
- (b) Vision with progressive abnormalities or diseases of the eye:
- (1) Better than and including 20/40 - full driving privileges.
  - (2) Worse than 20/40 through and including 20/60 - daylight driving only and yearly visual examination.
  - (3) Worse than 20/60 - not eligible to be licensed.
- (c) Drivers with vision of 20/100 or worse in one eye and the vision in the other eye is:
- (1) Better than and including 20/40 - full driving privileges.
  - (2) Worse than 20/40 through and including 20/50 - daylight driving only and yearly visual examination.
  - (3) Worse than 20/50 - not eligible to be licensed.
2. A person who fails to meet the minimum levels of acceptable vision for a license may not be licensed to drive, and the Department shall not administer a driving test to that person. A person who fails to meet minimum standards may submit a medical report by a physician or optometrist licensed to practice in this State for consideration by the Department . ~~for the Medical Advisory Board.~~ The Department may request additional opinions or supporting information if a medical report is questionable or unclear. All medical reports are advisory and are not binding on the Department.

**Sec. 10.** NAC 485.010 is hereby amended to read as follows:

485.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 485.028 to 485.120, inclusive, and in NAC 485.020 ~~[, 485.023 and 485.024]~~ have the meanings ascribed to them in those sections.

**Sec. 11.** NAC 487.001 is hereby amended to read as follows:

487.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC ~~[487.002 to 487.009, inclusive,]~~ **487.0064 and 487.0065** have the meanings ascribed to them in those sections.

**Sec. 12.** NAC 487.250 is hereby amended to read as follows:

487.250 1. The person requesting or authorizing repairs may waive the estimate or statement required pursuant to the provisions of ~~[NAC 487.240]~~ **NRS 487.6875** or the notification required pursuant to the provisions of ~~[NAC 487.245]~~ **NRS 487.6877** by executing a written waiver of the estimate, statement or notification. The waiver must be executed by the person requesting or authorizing the repairs at the time the person requests or authorizes those repairs.

2. A written waiver of the estimate or statement required pursuant to the provisions of ~~[NAC 487.240]~~ **NRS 487.6875** must be:

(a) On a form other than the statement of charges presented pursuant to the provisions of ~~[NAC 487.265]~~ **NRS 487.6893** to the person requesting or authorizing the repairs; and

(b) Printed in at least 10-point font.

3. A written waiver of the notification required pursuant to the provisions of ~~[NAC 487.245;]~~ **NRS 487.6877:**

(a) May be on the original estimate or statement required to be furnished pursuant to the provisions of ~~[NAC 487.240;]~~ **NRS 487.6875;** and

(b) Must be:

- (1) On a form other than the statement of charges presented pursuant to the provisions of ~~NAC 487.265~~ **NRS 487.6893** to the person requesting or authorizing the repairs;
- (2) Printed in at least 10-point font; and
- (3) Received by the garage operator before he or she undertakes any repair which would involve additional charges to perform the repair described in the estimate or statement required to be furnished pursuant to the provisions of ~~NAC 487.240~~ **NRS 487.6875**.

**Sec. 13.** NAC 487.275 is hereby amended to read as follows:

487.275 1. Each garage operator shall keep his or her books and records for all locations at which the garage operator does business within a county at his or her principal place of business in that county for at least 1 year after the completion of any work to which the books and records relate.

2. Each garage operator shall permit any authorized agent of the Director or the State of Nevada to inspect and copy his or her books and records during usual business hours.

3. Each garage operator shall, not later than 3 business days after receiving a request from any authorized agent of the Director or the State of Nevada to produce books, records or any other information, provide the requested books, records or information to the person at the location specified in the request.

4. Each garage operator shall retain his or her books and records for not less than 1 year after the garage operator ceases to be registered to operate a garage.

5. As used in this section, “books and records” means any documentation related to the repair of a motor vehicle which is used in the normal course of business of a garage operator, including, without limitation:



- (a) A work order;
- (b) An estimate or statement of charges required pursuant to the provisions of ~~NAC 487.240;~~ **NRS 487.6875**;
- (c) A written notification required pursuant to the provisions of ~~NAC 487.245;~~ **NRS 487.6877**;
- (d) A waiver authorized and executed pursuant to the provisions of NAC 487.250;
- (e) A receipt;
- (f) A statement of charges presented pursuant to the provisions of ~~NAC 487.265~~ **NRS 487.6893** to a person requesting or authorizing repairs; and
- (g) An invoice.

**Sec. 14.** NAC 487.290 is hereby amended to read as follows:

487.290 1. The Department may refuse to issue a registration or, after notice and hearing, may suspend, revoke or refuse to renew a registration to operate a garage upon any of the following grounds:

- (a) Failure of the applicant to have an established place of business in this State.
- (b) Any material misstatement in the application for the certificate of registration.
- (c) Conviction of the applicant or registrant or an employee of the applicant or registrant of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter or chapter 487 of NRS.
- (d) Willful failure of the applicant or registrant to comply with a provision of the motor vehicle laws of this State, including, without limitation, NRS ~~487.035;~~ 487.530 to ~~487.570, inclusive, or 597.480 to 597.590;~~ **487.567**, inclusive.

(e) Willful failure of the applicant or registrant to comply with a directive of the Director. For the purpose of this paragraph, failure to comply with a directive of the Director advising the registrant of his or her noncompliance with a provision of the motor vehicle laws of this State or a regulation of the Department, within 10 days after the receipt of the directive, is prima facie evidence of willful failure to comply with the directive.

(f) Failure on the part of the registrant to maintain a fixed place of business in this State.

(g) Failure or refusal by the registrant to pay or otherwise discharge any final judgment against the registrant rendered and entered against him or her, arising out of the repair of a motor vehicle or the operation of a garage.

(h) Failure of the registrant to maintain any other license, registration or bond required by a political subdivision of this State.

(i) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or registrant or an employee of the applicant or registrant.

(j) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or registrant or an employee of the applicant or registrant.

(k) After the Department has determined that a registrant has failed to comply with a requirement of ~~[NAC 487.240 to 487.265, inclusive,]~~ **NRS 487.6875, 487.6875, 487.6881, 487.6883 or 487.6893 or NAC 487.250**, and the Department has notified the registrant in writing of such noncompliance, failure or refusal by the registrant to release or return a motor vehicle held by the registrant for payment of repairs to the person requesting or authorizing such repairs if the cost of the repairs are in dispute.

2. The Director may deny the issuance of a registration to an applicant or may revoke a registration already issued if the Department is satisfied that the applicant or registrant is not entitled thereto.

3. As used in this section, “salvage vehicle” has the meaning ascribed to it in NRS 487.770.

**Sec. 15.** NAC 360A.020, 360A.030, 360A.040, 360A.050, 360A.070, 360A.100, 365.102, 365.105, 365.110, 365.112, 365.113, 365.120, 365.125, 365.133, 365.135, 365.138, 445B.403, 445B.4045, 445B.405, 445B.424, 445B.435, 445B.454, 481.150, 481.160, 482.010, 482.020, 482.030, 482.270, 482.305, 482.455, 482.460, 482.602, 482.604, 482.606, 482.608, 482.612, 482.614, 482.616, 482.618, 482.622, 482.624, 482.626, 482.628, 482.632, 482.634, 482.705, 482.710, 482.715, 483.268, 483.380, 485.023, 485.024, 487.002, 487.003, 487.004, 487.0044, 487.005, 487.006, 487.007, 487.0075, 487.008, 487.009, 487.120, 487.205, 487.210, 487.215, 487.220, 487.225, 487.230, 487.235, 487.240, 487.245, 487.255, 487.260, 487.265, 487.270, 487.280 and 487.285 and section 2 of LCB File No. R116-09 are hereby repealed.

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## LEADLINES OF REPEALED SECTIONS

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**360A.020** “Deficiency determination” defined. (NRS 360A.020)

**360A.030** “Department” defined. (NRS 360A.020)

**360A.040** “Director” defined. (NRS 360A.020)

**360A.050** “Good cause” defined. (NRS 360A.020)

**360A.070 “Taxpayer” defined. (NRS 360A.020)**

**360A.100 Updating and distribution of pamphlet regarding Taxpayers’ Bill of Rights for Taxes on Fuels. (NRS 360A.020, 360A.036)**

**365.102 “Aviation fuel” defined. (NRS 365.110)**

**365.105 “Dealer” defined. (NRS 365.110)**

**365.110 “Department” defined. (NRS 365.110)**

**365.112 “Exporter” defined. (NRS 365.110)**

**365.113 “Fuel for jet or turbine-powered aircraft” defined. (NRS 365.110)**

**365.120 “Motor vehicle” defined. (NRS 365.110)**

**365.125 “Motor vehicle fuel” defined. (NRS 365.110)**

**365.133 “Special fuel” defined. (NRS 365.110)**

**365.135 “Supplier” defined. (NRS 365.110)**

**365.138 “Transporter” defined. (NRS 365.110)**

**445B.403 “Approved inspector” defined. (NRS 445B.210, 445B.785)**

**445B.4045 “Authorized inspection station” defined. (NRS 445B.785)**

**445B.405 “Authorized station” defined. (NRS 445B.785)**

**445B.424 “Fleet station” defined. (NRS 445B.210, 445B.785)**

**445B.435 “Motor vehicle” defined. (NRS 445B.210, 445B.785)**

**445B.454 “Used motor vehicle” defined. (NRS 445B.210, 445B.785)**

**481.150 “Department” defined. (NRS 233B.050, 481.051)**

**481.160 “Director” defined. (NRS 233B.050, 481.051)**

**482.010 Issuance. (NRS 481.051, 482.160)**

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

- 482.030 Suspension of license. (NRS 481.051, 482.160)**
- 482.270 Definitions. (NRS 482.160, 482.313, 482.3965)**
- 482.305 “Permanent disability” interpreted. (NRS 482.384)**
- 482.455 “Local authority” defined. (NRS 481.051, 482.160, 482.2805, 484.444)**
- 482.460 “Notice of nonpayment” defined. (NRS 481.051, 482.160, 482.2805, 484.444)**
  
- 482.602 Definitions. (NRS 482.293)**
- 482.604 “Financial institution” defined. (NRS 482.293)**
- 482.606 “Program” defined. (NRS 482.293)**
- 482.608 “Vehicle dealer” defined. (NRS 482.293)**
- 482.612 Eligibility to participate. (NRS 482.293)**
- 482.614 Application to participate. (NRS 482.293)**
- 482.616 Selection of participants. (NRS 482.293)**
- 482.618 Contract with Department. (NRS 482.293)**
- 482.622 Bond or deposit: General requirements and conditions. (NRS 482.293)**
- 482.624 Bond or deposit: Determination of amount and payment of compensation; release or refund of deposit. (NRS 482.293)**
  
- 482.626 Duties of and restrictions on participants. (NRS 482.293)**
- 482.628 Specifications for electronic submission of documents by participants. (NRS 482.293)**
  
- 482.632 Suspension or revocation and reinstatement of participation. (NRS 482.293)**
  
- 482.634 Termination of participation: Authority of Department. (NRS 482.293)**

- 482.705 “Authorized inspection station” defined. (NRS 482.281)**
- 482.710 “Authorized station” defined. (NRS 482.281)**
- 482.715 “Program” defined. (NRS 482.281)**
- 483.268 Examinations. (NRS 483.220, 483.267, 483.270, 483.330)**
- 483.380 Medical Advisory Board. (NRS 481.051, 483.220)**
- 485.023 “Department” defined. (NRS 485.130)**
- 485.024 “Director” defined. (NRS 485.130)**
- 487.002 “Business day” defined. (NRS 481.051)**
- 487.003 “Department” defined. (NRS 481.051)**
- 487.004 “Director” defined. (NRS 481.051)**
- 487.0044 “Federal identification number” defined. (NRS 481.051)**
- 487.005 “Manufactured Housing Division” defined. (NRS 481.051)**
- 487.006 “Nonrepairable vehicle certificate” defined. (NRS 481.051)**
- 487.007 “Salvage title” defined. (NRS 481.051)**
- 487.0075 “Salvage vehicle” defined. (NRS 481.051)**
- 487.008 “State agency” defined. (NRS 481.051)**
- 487.009 “Vehicle” defined. (NRS 481.051)**
- 487.120 Display of license and name of business. (NRS 481.051, 487.620, 487.630)**
- 487.205 Definitions.(NRS 481.051)**
- 487.210 “Garage” defined. (NRS 481.051)**
- 487.215 “Garage operator” defined. (NRS 481.051)**
- 487.220 “Motor vehicle” defined. (NRS 481.051)**
- 487.225 “Person authorizing repairs” defined. (NRS 481.051)**

- 487.230 Display of sign required; contents of sign; penalty. (NRS 481.051, 487.570)**
- 487.235 Duties of garage operator on acceptance of vehicle for repair. (NRS 481.051, 487.570)**
- 487.240 Estimate of costs required for certain repairs. (NRS 481.051, 487.570)**
- 487.245 Notice of additional charges over estimate required in certain cases. (NRS 481.051, 487.570)**
- 487.255 Duties of person authorizing repairs upon receipt of notice of additional charges; authority of garage operator. (NRS 481.051, 487.570)**
- 487.260 Delivery of replaced parts upon request; exception. (NRS 481.051, 487.570)**
- 487.265 Statement of charges for repair: Presentation; contents; penalty; prerequisites to enforcement of lien; execution. (NRS 481.051, 487.035, 487.570)**
- 487.270 Compliance with certain provisions required when charges made for repair; enforcement of liens and contracts. (NRS 481.051, 487.570)**
- 487.280 Violations: Injunctive relief. (NRS 481.051, 487.570)**
- 487.285 Violations: Civil penalty. (NRS 481.051, 487.570)**
- Section 2 of LCB File No. R116-09. (NRS 482.281)**