

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

**LCB File No. R065-12**

June 27, 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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## TEXT OF REPEALED SECTIONS

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**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.

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

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

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

**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.

**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.

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

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

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

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

**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.

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

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

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

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

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

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

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

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

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

**NAC 445B.435 “Motor vehicle” defined. (NRS 445B.210, 445B.785)** “Motor vehicle” has the meaning ascribed to it in NRS 445B.745.

**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.

**NAC 481.150 “Department” defined. (NRS 233B.050, 481.051)** “Department” means the Department of Motor Vehicles.

**NAC 481.160 “Director” defined. (NRS 233B.050, 481.051)** “Director” means the Director of the Department.

**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.

**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.

**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.

**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.

**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.

**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.

**NAC 482.460 "Notice of nonpayment" defined. (NRS 481.051, 482.160, 482.2805, 484.444)** "Notice of nonpayment" means a notice that is filed with the Department by a local authority pursuant to NRS 484.444.

**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.

**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.

**NAC 482.606 “Program” defined. (NRS 482.293)** “Program” means the program described in NRS 482.293.

**NAC 482.608 “Vehicle dealer” defined. (NRS 482.293)** “Vehicle dealer” has the meaning ascribed to it in NRS 482.020.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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 the dealer or institution 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.

**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.

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



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

**NAC 482.715 “Program” defined. (NRS 482.281)** “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.

**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 483.380 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 485.023 “Department” defined. (NRS 485.130)** “Department” means the Department of Motor Vehicles.

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

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

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

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

**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.

**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.

**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.

**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.

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

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

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

**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.

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.

**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.

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

**NAC 487.215 “Garage operator” defined. (NRS 481.051)** “Garage operator” has the meaning ascribed to it in NRS 487.545.

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

**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.

**NAC 487.230 Display of sign required; contents of sign; penalty. (NRS 481.051, 487.570)**

1. Each garage operator shall display conspicuously in those areas of his or her 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

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

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.

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

**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 garage operator, 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 garage operator to reassemble a motor vehicle if the garage operator determines that the reassembly of the motor vehicle would render the vehicle unsafe to operate.

**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 garage operator shall notify in writing the person authorizing repairs of the amount of those additional charges before the garage operator may undertake any repair which would involve such additional charges.

**NAC 487.255 Duties of person authorizing repairs upon receipt of notice of additional charges; authority of garage operator. (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 garage operator 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 garage operator may charge for storage of the vehicle.

**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 garage operator 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.

**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 garage operator makes charges for the repair of a motor vehicle, the garage operator 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 garage operator 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 garage operator 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 garage operator and contains the information required pursuant to paragraph (a) of subsection 1.

**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 garage operator making the repairs shall comply with the provisions of NAC 487.240 to 487.265, inclusive. The garage operator is not entitled to detain a motor vehicle by virtue of any common law or statutory lien, or otherwise enforce such lien, nor shall the garage operator have the right to sue on any contract for repairs made by him or her, unless the garage operator has complied with the requirements of NAC 487.240 to 487.265, inclusive.

**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.

**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.

**Section 2 of LCB File No. R116-09.**

**Sec. 2.** *“Approved inspector” has the meaning ascribed to it in NRS 445B.705.*