

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

LCB FILE NO. R085-17I

**The following document is the initial draft regulation proposed
by the agency submitted on 09/13/2017**

**PROPOSED REGULATIONS OF THE
DEPARTMENT OF MOTOR VEHICLES
LCB File No. TBD**

July 2017

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

AUTHORITY – NRS Chapters 366.220; Sec. 6 of Senate Bill 31 of the 2017 Legislative Session.

A REGULATION revising several requirements related to: registering certain commercial motor vehicles and carriers; vehicles and carriers subject to out of service orders; authorization of peace officers to impound or seize license plates from certain motor carriers and providing a penalty, and providing other matters properly relating thereto.

Section 1. NAC 366.800 is hereby amended to read as follows:

~~[A special fuel user must pay a fee of \$6 to the Department for each identifying device issued pursuant to subsection 1 of NRS 366.265 to defray the administrative cost of issuing the identifying device.]~~

1. *A special fuel:*

(a) dealer

(b) supplier

(c) exporter

(d) transporter, or

(e) manufacturer

Must pay a fee of \$115 to the Department for a special fuel license issued pursuant to subsection 1 of NRS 366.200, to defray the administrative costs associated with the issuance and related expenses incurred by the Department as a result of issuing the special fuel license, as follows:

- (i) Upon issuance of a new license,*
- (ii) Upon renewal of an existing license, or*
- (iii) Upon reinstatement/reissue of a cancelled, suspended or revoked license.*

2. A special fuel user must pay a fee of \$25.00 to the Department for a special fuel license pursuant to NRS 366.220, to defray the administrative costs associated with the issuance and related expenses incurred by the Department as a result of a special fuel user obtaining a special fuel license, as follows:

- (a) Upon issuance of a new license;*
- (b) Upon renewal of an existing license; or*
- (c) Upon reinstatement/reissue of a cancelled, suspended, or revoked license.*

Sec. 2. *Chapter 482 of NAC is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this regulation.*

Sec. 3 1. *Every motor carrier required to register with the Federal Motor Carrier Safety Administration of the United States Department of Transportation and obtain a USDOT number shall:*

- (a) Provide the USDOT number to the Motor Carrier Division of the Department of Motor Vehicles upon registration and renewal of each vehicle, and*
- (b) Provide the name and USDOT number of the motor carrier responsible for safety of the vehicle in question.*

2. Every motor carrier in subsection 1 operating under lease agreements which are more than thirty (30) days in length, must notify the Department within ten (10) days after a change in the name of the motor carrier responsible for the safety of a commercial motor vehicle.

3. Motor carriers who have not reported their USDOT number to the Motor Carrier Division of the Department or have been issued a Federal out-of-service order, as defined in 49 CFR 385 and 386, are prohibited from operating the vehicles until the violations are remedied and compliance is achieved by the motor carrier.

4. The Department staff shall refuse to issue registration credentials to a motor carrier found to be in violation of the provisions in subsections 1 - 3 of this regulation and:

- (a) Shall mail a notice to the registered owner listing the reason for the refusal and the procedure by which the owner may renew or be issued the registration for the vehicle, and;*

- (b) Grant the registered owner ten (10) days to respond to the Department from the time of the issuance of the notice.*

5. *The Department may reinstate or issue the certificate of registration for a carrier with an out-of-service order if:*

(a) Evidence is provided to the Department's satisfaction that it has complied with the provisions in Sections 1 - 3 of this regulation, or;

(b) The carrier is no longer subject to an out-of-service order.

Sec. 4. 1. *The Department hereby adopts by reference the provisions of 49 C.F.R. Parts 385.13, 385.105, 385.111, 385.325, 385.308, 385.337, 386.72 and 386.83, as they existed on October 1, 2017, and any subsequent amendments. Each amendment shall be deemed approved by the Department unless it disapproves the amendment within 60 days after the United States Federal Motor Carrier Safety Administration has adopted such an amendment.*

2. *A copy of the volume containing the provisions described in this section is available at a cost of \$37 by mail from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000 or by telephone at (866) 512-1800. These provisions are also available, free of charge, at the Internet address <http://www.gpoaccess.gov/cfr/>.*

3. *A licensee shall comply with the requirements of the provisions adopted by reference in subsection 1.*

Sec. 5.

The provisions of this regulation will go into effect on January 1, 2019.