

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

LCB File No. R142-18

July 10, 2018

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

AUTHORITY: §1, NRS 481.051 and 484E.070; §§2-5, NRS 485.130.

A REGULATION relating to motor vehicle crashes; setting forth the contents of crash reports required after certain motor vehicle crashes; setting forth requirements for certain agreements concerning payments for liability for certain motor vehicle crashes; setting forth requirements for certain security deposits made under certain circumstances regarding certain motor vehicle crashes; setting forth requirements for reinstating a suspended license or registration following certain motor vehicle crashes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the driver of a vehicle involved in a crash to forward a report of the crash to the Department of Motor Vehicles in certain circumstances. (NRS 484E.070) **Section 1** of this regulation sets forth the requirements for such a crash report.

Under existing law, when a motor vehicle crash occurs which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$750, the Department, upon a finding that there is a reasonable possibility that a judgment may be rendered against an owner or operator of a vehicle involved in the crash, is required to suspend the license and all registrations of such an owner or operator under certain circumstances concerning the ability of the owner or operator or an insurance policy of the owner or operator to satisfy any judgment for damages that may be rendered against the owner or operator. (NRS 485.190) Such an owner or operator may be exempt from such suspension if he or she had a policy of liability insurance that was valid on the date of the crash. (NRS 485.200) **Section 5** of this regulation requires that, if an owner or operator is seeking to be exempt from such a suspension based on a motor vehicle liability policy that became effective on the day of the crash, the owner or operator must submit to the Department a letter from the insurer stating the effective date and time of the policy. If the owner or operator did not have a valid motor vehicle liability policy that was effective at the time of the crash, that owner or operator may seek reinstatement of a suspended license or registration, or both, by depositing security in a sum determined by the Department, or by providing certain evidence satisfactory to the Department that the owner or operator has: (1) been released from liability; (2) been finally adjudicated not to be liable; or (3) executed an acknowledged written agreement providing for the payment of an agreed amount in installments

to the injured or damaged party or parties. **Section 5** also requires a person seeking to reinstate a suspended license or registration, or both, to submit certain information to the Department. **Section 3** of this regulation sets forth the requirements for such an acknowledged written agreement, and **section 4** of this regulation sets forth the requirements for such a deposit of security. **Section 4** also sets forth the duties of the Department concerning such a deposit, and sets forth the procedures for requesting a refund of the security or the remaining balance of the security in certain circumstances.

Section 1. Chapter 484E of NAC is hereby amended by adding thereto a new section to read as follows:

- 1. A person required by NRS 484E.070 to forward a crash report to the Department must:*
 - (a) Make the report on a form obtained from the Department or the Internet website of the Department; and*
 - (b) Submit to the Department a copy of:*
 - (1) Proof of insurance that was in effect on the date of the crash covering the person's motor vehicle that was involved in the crash;*
 - (2) If the damage to the person's motor vehicle exceeds the amount specified in subsection 2 of NRS 484E.070, a statement that meets the requirements of that subsection;*
and
 - (3) If the crash resulted in bodily injury to the person submitting the crash report, a statement of injury prepared by a physician.*
- 2. Except as otherwise provided in NRS 484E.070, the Department will not accept a crash report filed pursuant to this section that is received by the Department more than 10 days after the date of the crash.*

Sec. 2. Chapter 485 of NAC is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this regulation.

Sec. 3. 1. *For the purposes of NRS 485.190 to 485.300, inclusive, an acknowledged written agreement must include:*

(a) A notarized signature of each party to the agreement;

(b) A statement verifying that the crash has not been submitted as a claim to an insurance company;

(c) The date of the crash;

(d) The amount of damage, if any;

(e) The amount payable for injuries, if any; and

(f) The amount of each monthly installment payment.

2. *An acknowledged written agreement made pursuant to this section and NRS 485.190 to 485.300, inclusive, must remain in force until:*

(a) The agreement is paid in full; or

(b) Two years after the date of the crash,

↳ whichever occurs first.

Sec. 4. 1. *A person involved in a motor vehicle crash who wishes to deposit security with the Department pursuant to subsection 2 of NRS 485.190 or a person who wishes to deposit security on behalf of such a person must provide the security in the form of cash, a cashier's check or a money order.*

2. *Upon payment of security pursuant to subsection 1, the Department will notify each person who was involved in the crash and who may have a claim against the person who deposited the security or the person on whose behalf the security was deposited:*

(a) That the security has been deposited; and

(b) Of the requirements to obtain funds from the security.

3. *A person who deposits security pursuant to this section may request a refund from the Department of the security or the remaining balance of the security. Such a request must:*

(a) Be made on a form prescribed by the Department; and

(b) Include evidence satisfactory to the Department that the person qualifies for a refund pursuant to subsection 1 or 2 of NRS 485.280.

Sec. 5. *1. A person who is seeking to qualify for an exemption pursuant to paragraph (a) or (b) of subsection 1 of NRS 485.200 to the suspension of his or her license or registration, or both, pursuant to NRS 485.190 by submitting evidence of a motor vehicle liability policy that became effective on the date of the crash must submit to the Department a letter from the insurer that states the effective time and date of the policy.*

2. A person seeking to reinstate a license or registration, or both, suspended pursuant to NRS 485.190 must submit to the Department:

(a) Proof of financial responsibility as required by subsection 3 of NRS 485.230, on a form provided by the Department.

(b) Payment of any applicable reinstatement fees.

(c) One of the following:

(1) Proof satisfactory to the Department of a release of liability or a final adjudication of nonliability;

(2) An acknowledged written agreement that complies with section 3 of this regulation;

(3) A security deposit that complies with section 4 of this regulation; or

(4) A signed affidavit on a form provided by the Department verifying that no action for damages arising out of the crash has been taken against the person in 2 years since the date of the crash.

