

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

LCB FILE NO. R023-201

**The following document is the initial draft regulation proposed
by the agency submitted on 02/13/2020**

Chapter 365 & 366 Suppliers: Licensure

Section 1. Chapter 365 of NAC is hereby amended by adding thereto the following new language.

- 1. An applicant for license as a supplier issued pursuant to the provisions of NRS 365.280 must submit to the Department an application on a form provided by the Department.*
- 2. An application submitted pursuant to this section must be accompanied by a list of the state or other jurisdictions the supplier operates in with regard to fuel or products.*
- 3. Except as otherwise provided in NRS 365.280, the Department will issue a license as a supplier upon receipt and approval of:*
 - a. A completed application;*
 - b. Any proof required by the Department pursuant to subsection 2 of this section, and;*
 - c. Any security or bond as deemed appropriate by the Department.*
- 4. A licensed supplier shall not purchase tax-paid fuel for resale.*
- 5. If an exporter or supplier wishes to export to a state or other jurisdiction in which he or she was not licensed or registered to import motor vehicle fuel or other petroleum products, other than aviation fuel, when he or she submitted an original application pursuant to this section, the exporter or supplier must file an addendum to the original application providing proof satisfactory to the Department of his or her licensure or registration to import motor vehicle fuel or other petroleum products, other than aviation fuel, into each state or other jurisdiction to which he or she wishes to export such fuel or products and the date on which such licensure or registration became effective. The Department will notify the exporter or supplier of the date on which he or she may begin exporting to that state or other jurisdiction upon receipt and approval of any proof required by the Department pursuant to this subsection.*

Sec. 2. Chapter 366 of NAC is hereby amended by adding thereto the following provisions:

- 1. An applicant for license as a special fuel supplier issued pursuant to the provisions of NRS 366.220 must submit to the Department an application on a form provided by the Department.*
- 2. An application submitted pursuant to this section must be accompanied by a list of the state or other jurisdictions the supplier operates in with regard to fuel or products.*
- 3. Except as otherwise provided in NRS 366.220, the Department will issue a license as a supplier upon receipt and approval of:*
 - a. A completed application;*
 - b. Any proof required by the Department pursuant to subsection 2 of this section;*
 - c. Any security or bond as deemed appropriate by the Department, and;*
 - d. The fee required by NAC 366.0085*
- 4. A licensed supplier shall not purchase tax-paid fuel for resale.*
- 5. If an exporter or supplier wishes to export to a state or other jurisdiction in which he or she was not licensed or registered to import motor vehicle fuel or other petroleum products, other than aviation fuel, when he or she submitted an original application*

pursuant to this section, the exporter or supplier must file an addendum to the original application providing proof satisfactory to the Department of his or her licensure or registration to import motor vehicle fuel or other petroleum products, other than aviation fuel, into each state or other jurisdiction to which he or she wishes to export such fuel or products and the date on which such licensure or registration became effective. The Department will notify the exporter or supplier of the date on which he or she may begin exporting to that state or other jurisdiction upon receipt and approval of any proof required by the Department pursuant to this subsection.

1. *Special fuel users and service providers are authorized under the provisions of Chapter 366 of the Nevada Revised Statutes to issue and renew licenses and their identifying devices:*
 - (a) *Special fuel users with fleets that have fifty (50) or more active vehicles registered and in operation, and*
 - (b) *Service providers are identified as those entities that represent and assist companies with vehicle registration and licensure that have five (5) or more active accounts that they provide services to on a regular basis.*
2. *The Department has determined that the replacement value for each set of identifying devices issued to such commercial vehicles will be \$2,025.*

NAC 366.0075 Expiration of license; application for renewal; administrative fine. ([NRS 366.110](#), [366.220](#), [366.260](#), [366.740](#))

1. Except as otherwise provided in subsection 2, any license issued by the Department pursuant to this chapter and [chapter 366](#) of NRS expires on:

(a) December 31 of the calendar year in which it is issued if the license was issued on or after January 1 and before July 1.

(b) December 31 of the calendar year following the calendar year in which it is issued if the license was issued on or after July 1 and before January 1.

2. A special fuel user's license issued pursuant to [NRS 366.240](#) expires on December 31 of the year in which it is issued.

3. An application to renew a license must be submitted to the Department not later than December 1 of the calendar year in which the license is set to expire. An application for renewal will be deemed submitted:

(a) If the application is sent by mail through the United States mail or a third-party delivery service in an envelope properly addressed to an office of the Department and with proper postage prepaid, on the date of the postmark or the date on which the application was deposited with the delivery service.

(b) If the application is submitted by any other means, including, without limitation, electronically or by facsimile, on the date the Department receives the application.

4. The Department will not be responsible for an application that is received late because of an error made by the applicant or the Department, including, without limitation, a system failure.

5. The Department ~~will~~ *may* impose an administrative fine for an application that is received late in the following amounts:

- (a) If received 1 to 7 calendar days late..... \$100

(b) If received 8 to 14 calendar days late.....	200
(c) If received 15 to 22 calendar days late.....	300
(d) If received more than 22 calendar days late.....	400
(e) If received after the date on which the license expired.....	500

NAC 366.400 Violation of statute, regulation or order: Imposition, amount and payment of administrative fine. (NRS 366.110, 366.740)

1. Except as otherwise provided in this section, if the Department imposes an administrative fine pursuant to [NRS 366.740](#), the Department **will may** impose that fine for violations occurring within the 3 years immediately preceding the most recent violation according to the following schedule:

- (a) For the first offense, an administrative fine of not less than \$100 or more than ~~\$500~~ **\$300**.
- (b) For the second offense, an administrative fine of not less than ~~\$500~~ **\$300** or more than ~~\$1,000~~ **\$500**.
- (c) For the third offense, an administrative fine of not less than ~~\$1,000~~ **\$500** or more than ~~\$1,500~~ **\$1,000**.
- (d) For a fourth ~~or subsequent~~ offense, an administrative fine of not less than ~~\$1,500~~ **\$1,000** or more than ~~\$1,500~~ **\$2,500**;
- (e) *For a fifth offense, an administrative fine of not less than \$1,500 or more than \$2,000.*
- (f) *For a sixth offense, an administrative fine of not less than \$2,000 or more than \$2,500.*
- (g) *For a seventh offense, or subsequent, an administrative fine of \$2,500.*

→ For the purposes of paragraphs (b), (c), ~~and~~ (d), (e), (f) **and** (g) a notice of violation and directive to cease from further violation issued by the Department shall be deemed to be a first offense.

2. If the Department imposes an administrative fine pursuant to [NRS 366.740](#) for a violation of [NRS 366.223](#) or [366.265](#), the Department will, if the violation is:

- (a) A first offense, impose an administrative fine of \$500;
- (b) A second offense, impose an administrative fine of \$1,500;
- (c) A third offense, impose an administrative fine of \$2,000; or
- (d) A fourth or subsequent offense, impose an administrative fine of \$2,500.

3. The Department may impose an administrative fine of not less than \$1,500 or more than \$2,500 for any violation of [NRS 366.207](#) or [366.220](#), subsection 2 of [NRS 366.395](#) or subsection 3 of [NRS 366.685](#).

4. Upon the failure of a person to pay an administrative fine imposed pursuant to this section when the fine becomes due, the Department may suspend, revoke or refuse to issue a license to that person pursuant to the provisions of this chapter.

Motor Carrier regulations regarding vehicles (Chapters 482 and 706)

NAC 482.930 Administrative fines: Imposition and payment generally; failure to pay. (NRS 482.160, 482.565)

1. Except as otherwise provided in subsection 2 and [NAC 482.042](#), [482.933](#) and [482.942](#), if the Department imposes administrative fines pursuant to the provisions of [NRS 482.565](#), **it will may** impose such fines for violations occurring within the 3-year period immediately preceding the most recent offense according to the following schedule:

- (a) For a first offense, a fine of not less than \$100 nor more than ~~\$500~~ **\$300**.
- (b) For a second offense, a fine of not less than ~~\$500~~ **\$300** nor more than ~~\$1,000~~ **\$500**.
- (c) For a third offense, a fine of not less than ~~\$1,000~~ **\$500** nor more than ~~\$1,500~~ **\$1,000**.

(d) For a fourth ~~or subsequent~~ offense, a fine of not less than ~~\$1,500~~ **\$1,000** nor more than ~~\$2,500~~ **\$1,500**.

(e) For a fifth offense, an administrative fine of not less than \$1,500 or more than \$2,000.

(f) For a sixth offense, an administrative fine of not less than \$2,000 or more than \$2,500.

(g) For a seventh offense or subsequent, an administrative fine of \$2,500.

↳ For the purposes of paragraphs (b), (c), ~~and~~ (d), *(e), (f) and (g)* a cease and desist order issued by the Department shall be deemed to be a first offense.

2. The Department may impose a fine of not less than \$1,500 nor more than \$2,500 for any violation of [NRS 482.300](#), [482.3161](#), [482.322](#), [482.362](#) or [482.363](#).

3. Any person who has been fined pursuant to the provisions of [NRS 482.565](#) shall make payment to the Department not later than the date specified in the notice of the violation, unless he or she has requested a hearing pursuant to subsection 1 of that section.

4. Upon the failure of a person to pay a fine imposed pursuant to the provisions of this section when it becomes due, the Director may suspend, revoke or refuse to issue any license obtained pursuant to the provisions of this chapter.

NAC 482.940 Registration of fleet of vehicles with declared gross weight in excess of 26,000 pounds: Installment payments for registration fees and governmental services tax. ([NRS 482.160](#), [482.482](#))

1. Installment payments for the original or renewal registration fees for a fleet of vehicles with a declared gross weight in excess of 26,000 pounds and the governmental services tax imposed by the provisions of [chapter 371](#) of NRS for the privilege of operating those vehicles are due to the Department on or before *the last day of the 3rd, 6th and 9th month of each registration period* ~~March 31, June 30, September 30 and December 31 of each year.~~

2. For the purposes of this section, the Department will suspend for the remainder of the present registration year and the following registration year the privilege of the owner of the fleet of vehicles to pay in installments if:

(a) An installment payment is received from the owner of the fleet of vehicles after the date due; or

(b) A check or draft issued by the owner of the fleet of vehicles to the Department for the installment payment is returned to the Department for insufficient funds.

NAC 482.942 Renewal of registration of fleet of vehicles required to be registered through Motor Carrier Division: Submission of required documentation; sanctions for noncompliance. ([NRS 482.160](#), [482.565](#))

1. All required documentation submitted to the Department for the renewal of the registration of a fleet of vehicles required to be registered through the Motor Carrier Division of the Department is due on or before the first day of the month in which the registration expires. If the required documentation is not submitted timely, the Department, pursuant to [NRS 482.565](#):

(a) May, without limitation, suspend the privilege of the owner of the fleet of vehicles to pay in installments the renewal registration fees and the governmental services tax imposed by the provisions of [chapter 371](#) of NRS for the privilege of operating those vehicles; and

(b) ~~Will~~ **May** impose an administrative fine on the renewal of the fleet of vehicles. The amount of the administrative fine will be determined as follows:

(1) <i>If received 1 to 7 calendar days late.....</i>	<i>\$100</i>
(2) <i>If received 8 to 14 calendar days late.....</i>	<i>200</i>
(3) <i>If received 15 to 22 calendar days late.....</i>	<i>300</i>
(4) <i>If received more than 22 calendar days late.....</i>	<i>400</i>
(5) <i>If received after the date on which the license expired.....</i>	<i>500</i>

~~(1) If the documentation is received by the Department not more than 7 calendar days after it is due, the Department will impose an administrative fine of \$100.~~

~~——(2) If the documentation is received by the Department more than 7 calendar days but not more than 14 calendar days after it is due, the Department will impose an administrative fine of \$200.~~

~~——(3) If the documentation is received by the Department more than 14 calendar days but not more than 21 calendar days after it is due, the Department will impose an administrative fine of \$300.~~

~~——(4) If the documentation is received by the Department more than 21 calendar days after it is due but on or before the expiration of the registration, the Department will impose an administrative fine of \$400.~~

~~——(5) If the documentation is received by the Department after the expiration of the registration, the Department will impose an administrative fine in accordance with the provisions of NAC 482.933.~~

2. For the purposes of this section, documentation submitted to the Department for the renewal of the registration of a fleet of vehicles required to be registered through the Motor Carrier Division of the Department:

(a) Except as otherwise provided in paragraph (b), shall be deemed to have been received by the Department:

(1) If delivered by mail, on the date shown by the postmark stamped by the United States Postal Service or the postal service of any other country upon an envelope containing the documentation properly addressed to the Department. If no postmark is present on the envelope, the Department will consider the date of delivery as the date received.

(2) If delivered by a private postal service, on the business day next preceding the date of actual delivery.

(3) If delivered *electronically* ~~via the Internet~~, on the date actually received by the Department, regardless of any reason for delay.

(b) Shall be deemed not to have been received by the Department unless all required documentation is included.

NAC 482.944 Period of registration: Intrastate vehicle registered through Motor Carrier Division. ([NRS 482.160](#), [482.206](#))

1. *Except as otherwise provided in subsection 2, ~~An intrastate vehicle~~ motor vehicles registered through the Motor Carrier Division of the Department must be registered for a period of 12 consecutive months.:*

~~(a) Beginning January 1 and ending December 31;~~

~~(b) Beginning April 1 and ending March 31; or~~

~~(c) Beginning October 1 and ending September 30.~~

2. *As used in this section, unless the context otherwise requires, ~~“intrastate vehicle”~~ means a vehicle that is registered through the Motor Carrier Division of the Department solely for operation within the State of Nevada. Motor vehicles registered prior to January 1, 2021 may change to a different registration period from previously registered and will be issued registrations that cover a period not to exceed 18 months or less than 6 months through September 30, 2021.*

1. Motor vehicles required to be registered by the Motor Carrier Division of the Department are considered to be in fleet if there are one or more vehicles being registered.

1. Carriers with vehicles registered by the Motor Carrier Division of the Department and service providers are authorized under the provisions of Chapter 482 of the Nevada Revised Statutes to issue and renew licenses and their identifying devices:

(a) Carriers with fleets that have fifty (50) or more active vehicles registered and in operation, and

(b) Service providers are identified as those entities that represent and assist companies with vehicle registration and licensure that have five (5) or more active accounts that they provide services to on a regular basis.

2. The Department has determined that the replacement value of each plate issued for commercial vehicle registration will be \$2,500.

NAC 706.156 Registration cycle for permit for longer combination vehicle. (NRS 706.531)

1. Each permit for a longer combination vehicle issued pursuant to NRS 706.531 will be ~~assigned to a registration cycle for the period~~ ***valid for 12 consecutive months.***

~~—(a) Beginning on January 1 and ending on December 31;~~

~~—(b) Beginning on April 1 and ending on March 31 of the following year; or~~

~~—(c) Beginning on October 1 and ending on September 30 of the following year.~~

2. For the purposes of this section:

(a) “Combination of vehicles” has the meaning ascribed to it in NRS 484A.050.

(b) “Divisible” means reducible or capable of being separated into smaller loads or vehicle combinations without:

(1) Compromising the intended use of the load or vehicles;

(2) Destroying the value of the load or vehicles; or

(3) Requiring more than 8 hours of work, using appropriate equipment, to separate.

(c) “Longer combination vehicle” means a combination of vehicles which:

(1) Complies with the provisions of NAC 484D.380, 484D.385 and 484D.390; and

(2) Consists of:

(I) A truck with one or two trailers or a truck-tractor with two or three trailers;

- (II) A divisible load;
 - (III) A combined length that exceeds 70 feet, unless otherwise exempted by NRS 484D.615;
 - (IV) Weights per axle that comply with legal limits; and
 - (V) A gross weight that does not exceed 80,000 pounds.
- (d) “Truck” has the meaning ascribed to it in NRS 484A.305.
 - (e) “Truck-tractor” has the meaning ascribed to it in NRS 484A.310.