

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

LCB File No. R023-20

July 1, 2021

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

AUTHORITY: §§ 1 and 3, NRS 365.110; § 2, NRS 365.110, 365.280 and 365.300; §§ 4 and 6, NRS 366.110; § 5, NRS 366.110, 366.220 and 366.240; § 7, NRS 366.110 and 366.245; § 8, NRS 366.110, 366.260 and 366.740; § 9, NRS 366.110 and 366.740; § 10, NRS 482.160, 482.217, 482.565, 706.171 and 706.188; §§ 11 and 13, NRS 482.160 and 482.565; § 12, NRS 482.160 and 482.482; § 14, NRS 482.160 and 482.206; § 15, NRS 706.171 and 706.531.

A REGULATION relating to motor vehicles; establishing procedures for the licensing of suppliers of fuel; prohibiting suppliers of fuel from purchasing certain fuel for resale; revising provisions governing certain agreements which may be entered into by the Department of Motor Vehicles; revising certain fines which the Department may impose; revising the dates upon which installment payments for the registration of certain fleets of vehicles are due; revising the registration period for vehicles registered with the Motor Carrier Division of the Department; revising the period through which permits for longer combination vehicles are valid; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain a license from the Department of Motor Vehicles to engage in business as a dealer, supplier, exporter or transporter of motor vehicle fuel. (NRS 365.270, 365.280) **Section 2** of this regulation establishes procedures for the licensure of a person as a supplier of motor vehicle fuel, other than aviation fuel. **Section 3** of this regulation prohibits a supplier from purchasing for resale fuel for which there has been a previous taxable sale or use.

Existing law requires a person to obtain a license from the Department to engage in business as a special fuel dealer, special fuel supplier, special fuel exporter, special fuel transporter, special fuel user or special fuel manufacturer. The Department is authorized to adopt regulations relating to the issuance of such a license and the collection of fees therefor. (NRS 366.220) **Section 5** of this regulation establishes procedures for the licensure of a person as a special fuel supplier. **Section 6** of this regulation prohibits a special fuel supplier from purchasing for resale fuel for which there has been a previous taxable sale or use.

Existing law authorizes the Department to enter into an agreement with a special fuel user or service provider which authorizes the special fuel user or service provider to license a special fuel user or renew a special fuel user's license and issue the identifying device which must be displayed by certain special fuel users who operate motor vehicles interstate. (NRS 366.245) **Section 7** of this regulation establishes minimum requirements for the special fuel users and service providers with whom the Department will enter into such agreements. **Section 7** also establishes the amount that must be paid to the Department if a special fuel user or service provider who is party to such an agreement is unable to account for an unissued license or an identifying device.

Sections 8, 9, 11 and 13 of this regulation make optional the imposition of certain administrative fines which the Department was previously required to impose. **Sections 9 and 11** lower the amount of certain fines which the Department is authorized to impose.

Existing law authorizes the Department to enter into an agreement with a motor carrier or a service provider which authorizes the motor carrier or service provider to register, transfer or renew the registration of certain motor vehicles owned or leased by the motor carrier and to issue registration credentials on behalf of the Motor Carrier Division of the Department. (NRS 482.217, 706.188) **Section 10** of this regulation establishes minimum requirements for the motor carriers and service providers with whom the Department will enter into such agreements. **Section 10** also establishes the amount that must be paid to the Department if a motor carrier or service provider who is party to such an agreement is unable to account for an unissued license plate or decal.

Existing regulations establish the dates by which installment payments on 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 must be paid. (NAC 482.940) **Section 12** of this regulation revises these due dates and requires that each installment payment be for not less than \$100.

Section 14 of this regulation requires a vehicle that must be registered with the Motor Carrier Division of the Department to be registered for a period of 12 consecutive months beginning the first day of the month after the vehicle is first registered in this State, except that the Motor Carrier Division may issue a one-time registration for a period of not more than 18 months and not less than 6 months before September 20, 2021.

Section 15 of this regulation provides that each permit for a longer combination vehicle is valid for a period of 12 consecutive months.

Section 1. Chapter 365 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. An applicant for a license as a supplier issued pursuant to the provisions of NRS 365.300 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 states or other jurisdictions in which the applicant operates as a dealer, supplier, exporter or transporter of motor vehicle fuel or other petroleum products, other than aviation fuel, and proof substantiating the contents of the list as the Department may require.

3. Except as otherwise provided in subsection 2 of NRS 365.300, the Department will issue a license as a supplier upon receipt and approval of:

(a) A completed application;

(b) Proof that the applicant has complied with the requirements for a supplier pursuant to NRS 365.290; and

(c) Any proof required by the Department pursuant to subsection 2.

4. If a 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 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 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. 3. *A supplier shall not purchase for resale any fuel with respect to which there has been a previous taxable sale or use.*

Sec. 4. Chapter 366 of NAC is hereby amended by adding thereto the provisions set forth as sections 5, 6 and 7 of this regulation.

Sec. 5. 1. *An applicant for a special fuel supplier's license issued pursuant to the provisions of NRS 366.240 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 states or other jurisdictions in which the applicant operates as a special fuel dealer, special fuel supplier, special fuel exporter, special fuel transporter, special fuel user or special fuel manufacturer and proof substantiating the contents of the list as the Department may require.

3. Except as otherwise provided in subsection 2 of NRS 366.240, the Department will issue a special fuel supplier's license upon receipt and approval of:

(a) A completed application;

(b) The fee required by NAC 366.0085;

(c) Proof that the applicant has complied with the requirements for a special fuel supplier pursuant to NRS 366.235; and

(d) Any proof required by the Department pursuant to subsection 2.

4. If a special fuel supplier wishes to export to a state or other jurisdiction in which he or she was not licensed or registered to import special fuel or other petroleum products when he or she submitted an original application pursuant to this section, the special fuel supplier must file an addendum to the original application providing proof satisfactory to the Department of his or her licensure or registration to import special fuel or other petroleum products 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 special fuel 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. 6. *A special fuel supplier shall not purchase for resale any fuel with respect to which there has been a previous taxable sale or use.*

Sec. 7. 1. *The Department will not enter into an agreement pursuant to NRS 366.245 unless the person with whom the Department is entering into such an agreement is:*

(a) A special fuel user who has 50 or more active vehicles registered with the Department in the name of that special fuel user; or

(b) A service provider who has five or more active accounts with the Department to which he or she provides service.

2. *If at any time a special fuel user or service provider is unable to account for an unissued license or an identifying device, the amount which the special fuel user or service provider is required to pay to the Department pursuant to subsection 4 of NRS 366.245 is \$2,025.*

Sec. 8. NAC 366.0075 is hereby amended to read as follows:

366.0075 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

Sec. 9. NAC 366.400 is hereby amended to read as follows:

366.400 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~~ *the* fourth ~~or subsequent~~ offense, an administrative fine of not less than ~~1,500~~ *1,000* or more than ~~2,500~~ *1,500*.
- (e) For the fifth offense, an administrative fine of not less than \$1,500 or more than \$2,000.*
- (f) For the sixth offense, an administrative fine of not less than \$2,000 or more than \$2,500.*
- (g) For a seventh or subsequent offense, an administrative fine of \$2,500.*

↪ For the purposes of paragraphs ~~(b), (c) and (d)~~ *(b) to (g), inclusive*, 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.

Sec. 10. Chapter 482 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Department will not enter into an agreement pursuant to NRS 482.217 or 706.188 unless the person with whom the Department is entering into the agreement is:

(a) A motor carrier who has 50 or more active vehicles registered with the Department in the name of that motor carrier; or

(b) A service provider who has five or more active accounts with the Department to which he or she provides service.

2. If at any time a motor carrier or service provider is unable to account for an unissued license plate or decal, the amount which the motor carrier or service provider is required to pay to the Department pursuant to subsection 4 of NRS 482.217 and subsection 4 of NRS 706.188 is \$2,500.

Sec. 11. NAC 482.930 is hereby amended to read as follows:

482.930 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~~ *1000*.

(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, a fine of not less than \$1,500 or more than \$2,000.

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

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

↪ For the purposes of paragraphs ~~(b), (c) and (d)~~ *(b) to (g), inclusive*, 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.

Sec. 12. NAC 482.940 is hereby amended to read as follows:

482.940 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 ~~March 31, June 30, September 30 and December 31 of each year.~~ *the effective date of the registration period and the last day of the third, sixth and ninth months of the registration period. Each installment payment must be not less than \$100.*

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.

Sec. 13. NAC 482.942 is hereby amended to read as follows:

482.942 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) 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.}~~

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

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 ~~via the Internet,~~ *electronically*, 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.

Sec. 14. NAC 482.944 is hereby amended to read as follows:

482.944 1. ~~{An intrastate vehicle}~~ *Except as otherwise provided in subsection 2, a motor vehicle which must be 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.~~ *beginning the first day of the month after the month in which the first registration by the owner in this State occurs.*

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.}~~ *Before September 30, 2021, the Department may issue a*

one-time registration for a motor vehicle which must be registered through the Motor Carrier Division of the Department and was first so registered before January 1, 2021. A vehicle registered pursuant to this subsection must be registered for a period of not less than 6 consecutive months or more than 18 consecutive months beginning the first day of the month after the month in which the vehicle is first registered pursuant to this subsection. A vehicle registered pursuant to this subsection must be registered for a period of 12 consecutive months in subsequent registration periods.

Sec. 15. NAC 706.156 is hereby amended to read as follows:

706.156 1. Each permit for a longer combination vehicle issued pursuant to NRS 706.531 will be ~~assigned to a registration cycle for the period:~~

~~—(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.]~~ *valid for a period of 12 consecutive months.*

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 129,000 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.