

LCB File No. R003-00

**PROPOSED REGULATION OF THE DEPARTMENT OF MOTOR
VEHICLES AND PUBLIC SAFETY**

January 11, 2000

EXPLANATION: Matter in *italics* is new; matter in brackets **H** is material to be omitted.

AUTHORITY §§1-16, NRS 482.160, 482.280 and 482.281.

Section 1. Chapter 482 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this regulation.

Sec. 2. As used in sections 3 to 16, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.

Sec. 3. “Authorized inspection station” has the meaning ascribed to it in NRS 445B.710.

Sec. 4. “Authorized station” has the meaning ascribed to it in NRS 445B.720.

Sec. 5. The department will choose one authorized station or authorized inspection station in Clark County and one authorized station or authorized inspection station in Washoe County for initial pilot. The department will choose no more than three additional authorized stations or authorized inspection stations in Clark County and no more than one additional authorized station or authorized inspection station in Washoe County to participate in the pilot program established pursuant to NRS 482.281.

Sec. 6. An authorized station or authorized inspection station that elects to participate in the pilot program shall enter into a contract with the department that sets forth the procedures that must be followed to renew a certificate of registration for a motor vehicle.

Sec. 7. An authorized station or authorized inspection station must submit an application to participate in the pilot program on a form provided by the department. Upon review of the completed application, the department may require additional information.

Sec. 8. 1. In addition to the requirements set forth in NRS 482.281, an applicant for participation in the pilot program must:

(a) Be continuously licensed by the department as an authorized station or authorized inspection station for a period of not less than 2 years immediately preceding application for participation in the pilot program;

(b) Not have a license issued by the department during the period of participation in the pilot program to engage in the activities of a:

(1) New vehicle dealer, used vehicle dealer, manufacturer, distributor or rebuilder pursuant to the provisions of NRS 482.322;

(2) Broker of vehicles pursuant to the provisions of NRS 482.333;

(3) Salesman of vehicles, trailers or semi-trailers pursuant to the provisions of NRS 482.362; or

(4) Long-term or short-term lessor of vehicles pursuant to the provisions of NRS 482.363;

(c) Employ two or more inspectors who are licensed pursuant to the provisions of NAC 445B.906 to 445B.9146, inclusive, at the authorized station or authorized inspection station; and

(d) Remain open, at a minimum, Monday through Friday from 8 a.m. to 5 p.m. except on the holidays listed in NRS 236.015.

2. An owner of an authorized station or authorized inspection station who is applying for the pilot program must have no conviction of a felony nor employ any person with a conviction of a felony at the authorized station or authorized inspection station.

3. an owner of an authorized station or authorized inspection station who is applying for the pilot program must not have committed any violations set forth in NRS 445B.790.

4. The department will not accept an application for the pilot program if the applicant has issued a check to the department for payment of a certificate of emission which was returned for insufficient funds.

Sec. 9. The department may consider the geographical location of an applicant to determine which authorized station or authorized inspection station will participate in the pilot program.

Sec. 10. 1. Except as otherwise provided in subsection 2, an authorized station or authorized inspection station that elects to participate in the pilot program shall procure and file with the department a good and sufficient bond in the amount of \$15,000 with a corporate surety thereon, duly licensed to do business in the State of

Nevada, approved as to form by the attorney general, and conditioned that the applicant shall conduct his business as an authorized station or authorized inspection station without fraud or fraudulent representation.

2. In lieu of filing a bond, an authorized station or authorized inspection station may deposit with the department, pursuant to terms prescribed by the department:

(a) An equivalent amount of lawful money of the United States; or

(b) Bonds of the United States or the State of Nevada that have an actual market value of not less than the amount of the bond described in subsection 1; or

(c) A savings certificate or certificate of deposit of a bank or savings and loan association situated in this state which must indicate an account of an amount equal to the amount of the bond described in subsection 1 and which must be available for withdrawal only upon order of the department.

3. A deposit made pursuant to subsection 2 may be refunded:

(a) By order of the director at the expiration of 1 year from the date an authorized station or authorized inspection station ceases participation in the pilot program if the director is satisfied that there are no claims pending against the deposit; or

(b) By order of the court at any time prior to the expiration of 1 year from the date an authorized station or authorized inspection station ceases to participate in the pilot program.

4. Any money received by the department pursuant to this section will be deposited with the state treasurer for credit to the motor vehicle fund.

Sec. 11. The department may terminate the participation of an authorized station or authorized inspection station in the pilot program. Grounds for termination include, without limitation:

1. Failure of an authorized station or authorized inspection station to engage in business;

2. Failure of an authorized station or authorized inspection station to comply with the applicable provisions of:

(a) Chapter 482 of NRS;

(b) Chapter 482 of NAC;

(c) Chapter 445B of NRS;

(d) Chapter 445B of NAC; or

(e) The criminal statutes of this state;

3. Failure of an authorized station or authorized inspection station to keep in force the bond posted as surety coverage to participate in the pilot program; and

4. Any violation of the agreement entered into pursuant to section 4 of this regulation.

Sec. 12. A list of equipment necessary for an authorized station or authorized inspection station to participate in the pilot program for renewal of registration of a motor vehicle may be obtained by submitting a request in writing to:

*Department of Motor Vehicles and Public Safety
Management Services and Programs Division, Emission Program Unit
555 Wright Way, Carson City, NV 89711*

Sec. 13. For renewing the registration of a motor vehicle in accordance with the required procedure, an authorized station or authorized inspection station that is participating in the pilot program may charge a processing fee not more than \$2.00 per vehicle.

Sec. 14. Any employee of an authorized station or authorized inspection station that is participating in the pilot program whose duties include processing renewal of a certificate of registration must complete a course of training provided by the department.

Sec. 15. 1. Upon request by the department, an authorized station or authorized inspection station that is participating in the pilot program shall allow the department or an independent firm or person designated by the department to conduct an audit of its records.

2. The department or an independent firm or person designated by the department shall conduct an initial audit within 3 months after the authorized station or authorized inspection station begins processing renewal of a certificate of registration. After the initial audit, the department or an independent firm or person designated by the department shall audit the authorized station or authorized inspection station at least once every 12 months.

3. An authorized station or authorized inspection station that is participating in the pilot program must keep its records at the location listed on its application.

Sec. 16. 1. an authorized station or authorized inspection station that is participating in the pilot program or its employees shall not use false, deceptive or

misleading advertising to induce a person to renew his certificate of registration for his motor vehicle at the authorized station or authorized inspection station.

2. An authorized station or authorized inspection station that is participating in the pilot program shall not use the name of the department, nor the state seal, in any advertisement for the renewal of a certificate of registration for a motor vehicle.