

**ADOPTED REGULATION OF THE DIRECTOR OF
THE DEPARTMENT OF MOTOR VEHICLES**

AND PUBLIC SAFETY

LCB File No. R099-00

Effective August 31, 2000

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

AUTHORITY: §§1-12, NRS 179A.080 and 179A.310.

Section 1. Chapter 179A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *“Central repository” means the central repository for Nevada records of criminal history.*

Sec. 3. *“Region” means a group of counties for which a certain percentage of the money in the revolving account has been allocated pursuant to section 10 of this regulation.*

Sec. 4. *“Revolving account” means the revolving account to investigate the background of volunteers who work with children created pursuant to NRS 179A.310.*

Sec. 5. *“Volunteer” means:*

1. A volunteer of a nonprofit agency who works directly with children; or

2. A prospective volunteer of a nonprofit agency who will work directly with children.

Sec. 6. *1. Before submitting a request to the central repository for a background check of a volunteer, a nonprofit agency must open an account with the central repository and enter into a memorandum of understanding with the central repository.*

2. A nonprofit agency that requests a state background check of a volunteer must submit to the central repository a non-criminal fingerprint impression card that contains the fingerprints of the volunteer about whom the request is made. The card must be completed by an entity that has the ability to record fingerprint impressions, such as a county sheriff's office or municipal police department. In addition to the fingerprint card, the nonprofit agency that requests a background check must:

(a) Pay \$15 to the central repository for each background check requested; or

(b) Submit a request to the central repository for an award of money from the revolving account pursuant to section 8 of this regulation to pay the cost of the background check.

3. A nonprofit agency that submits a request for a background check of a volunteer may request a national background check in addition to a state background check. An agency that requests a national background check must:

(a) In addition to the fingerprint card required pursuant to subsection 2, submit a FD-258 fingerprint card to the central repository; and

(b) In addition to the fee described in subsection 2, pay \$18 to the central repository for each background check requested.

Sec. 7. 1. Upon receipt of a request for a background check that complies with section 6 of this regulation, the central repository shall:

(a) Except as otherwise provided in subsection 2, conduct a background check of state records pursuant to NRS 179A.210; and

(b) If the request includes a request for a national background check, send the FD-258 fingerprint card to the Federal Bureau of Investigation for a search of the criminal history records of the Federal Bureau of Investigation.

2. If the central repository denies a request for an award of money from the revolving account, the central repository shall not conduct a background check pursuant to NRS 179A.210 and shall return the fingerprint card to the nonprofit agency.

Sec. 8. 1. *Before submitting a request for an award of money from the revolving account, a nonprofit agency must check the balance of available money in the account for the region in which the agency is located by calling the account status telephone number established by the central repository.*

2. A nonprofit agency shall not submit a request for an award of money in the revolving account in an amount of more than 50 percent of the total amount of money available in the account for award to nonprofit agencies in the region in which the agency is located.

Sec. 9. 1. *The central repository shall not award a grant of money from the revolving account unless:*

(a) The nonprofit agency that requested the background check:

(1) Has not received money from the revolving account within the 30 days immediately preceding the date the request is processed;

(2) Is registered as a nonprofit agency with the secretary of state;

(3) Provides a service in this state which involves working with persons who are less than 16 years of age; and

(4) Has complied with section 6 of this regulation;

(b) The person about whom the background check is made:

(1) Is a volunteer for the nonprofit agency who requested the background check; and

(2) Has direct contact with and provides services primarily to or will have direct contact with and will provide services primarily to persons who are less than 16 years of age and who are residents of this state; and

(c) The amount of the request is less than or equal to 50 percent of the total amount of money available in the account for award in the region in which the agency is located.

2. The central repository shall award money allocated to a region pursuant to section 10 of this regulation to nonprofit agencies in that region in the order that requests are received.

Sec. 10. 1. *When the director receives money for deposit in the revolving account and when redistributing money in the account pursuant to subsection 2, the director will allocate money in the revolving account for award in the following manner:*

(a) Seventy percent of the money will be allocated for award to requests from nonprofit agencies in Clark, Nye and Lincoln counties;

(b) Twenty-seven percent of the money will be allocated for award to requests from nonprofit agencies in Washoe, Douglas, Lyon, Churchill, Humboldt, Pershing, Lander, Mineral, Storey and Esmeralda counties and Carson City; and

(c) Three percent of the money will be allocated for award to requests from nonprofit agencies in Elko, White Pine and Eureka counties.

2. Biannually, the director will determine the total amount of money in the revolving account and redistribute the money in accordance with subsection 1.

Sec. 11. 1. *A person may contribute money to the revolving account by gift, donation, bequest, grant or other source of money.*

2. A person who desires to make a contribution to the revolving account must submit with the contribution a letter which states:

(a) That the contribution is being made towards the revolving account to offset the costs of background checks of volunteers; and

(b) The name of the person making the contribution.

3. A contribution to the revolving account must be made payable to the “Nevada State Treasurer.”

Sec. 12. NAC 179A.010 is hereby amended to read as follows:

179A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 179A.020 and 179A.030 *and sections 2 to 5, inclusive, of this regulation* have the meanings ascribed to them in those sections.

NOTICE OF ADOPTION OF REGULATION

The Department of Motor Vehicles and Public Safety, Nevada Highway Patrol, Records and Identification Services Bureau adopted regulations assigned LCB File No. R099-00 which pertain to chapter 179A of the Nevada Administrative Code on July 24, 2000. A copy of the regulations as adopted is attached hereto.

INFORMATIONAL STATEMENT

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066 LCB FILE R099-00

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 179A.

1. The Department of Motor Vehicles, Nevada Highway Patrol, Records and Identification Services Bureau afforded all the public an opportunity to ask questions, submit data, and present views and arguments, both orally and in writing by conducting a workshop on July 3, 2000, as well as, a public hearing on July 24, 2000, both which were properly noticed by posting on bulletin boards in each county's public library and/or DMV office. Public comment was also solicited by direct mail to known interested parties. There was no public response either at the workshop or the hearing.
2. The number of persons who:
 - (A) Attended the hearing: 6
 - (B) Testified at the hearing: 3
 - (C) Submitted to the agency written comments: No written comments were submitted at the public hearing. However, written comments were submitted at the public workshop.
3. Comments were solicited from affected businesses by the notices posted in each county and by direct mail to any known interested persons. Public response consisted of one letter read and discussed at the workshop. The letter in pertinent part was supportive of the regulation. The same interested party orally testified in support of the regulation at the public hearing. A copy of the written comments may be obtained by calling Jennifer Guinn at the Records and Identification Services Bureau at (775) 687-1600, ext. 261 or by writing the Bureau at 808 West Nye Lane, Carson City, Nevada 89703.
4. The regulation was adopted by the Records and Identification Services Bureau on July 24, 2000 without change due to overall approval of the proposed regulation.

5. (A) The provisions of the proposed regulation will have no adverse economic effects, either immediate or long-term on the nonprofit agencies affected by the regulation. However, they will experience a beneficial economic effect upon receiving an award from the revolving account to pay the costs of the \$15 fee when making a request for a background check to be conducted by the Bureau for a volunteer working with children.
(B) There will be no economic effect, either adverse or beneficial, nor immediate or long-term, on the public.
6. At this time, there is no anticipated additional cost to the Records and Identification Services Bureau for enforcement of this regulation.
7. The proposed regulation does not overlap or duplicate any other state or governmental agency regulation.
8. The proposed regulation does not establish any new fee nor does it increase an existing fee.