

LCB File No. T023-01

**ADOPTED TEMPORARY REGULATION OF THE
DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY**

(Effective February 16, 2001)

Establishes temporary regulations to amend Chapter 482 of the Nevada Administrative Code defining the criteria and requirements that an authorized station or authorized inspection station must meet prior to application to renew registration of motor vehicles in the registration pilot program.

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

February 7, 2001

AUTHORITY: NRS 482.160, 482,280 and 482.281.

Chapter 482 of NAC is hereby amended to read as follows:

NAC 482.730, 482.735, and 482.740 is hereby repealed.

NAC 482.700 Definitions. (NRS 482.281) As used in NAC 482.700 to 482.765, inclusive, unless the context otherwise requires, the words and terms defined in NAC 482.705, 482.710 and 482.715 have the meanings ascribed to them in those sections.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R003-00, eff. 4-3-2000)

NAC 482.705 "Authorized inspection station" defined. (NRS 482.281) "Authorized inspection station" has the meaning ascribed to it in NRS 445B.710.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R003-00, eff. 4-3-2000)

NAC 482.710 "Authorized station" defined. (NRS 482.281) "Authorized station" has the meaning ascribed to it in NRS 445B.720.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R003-00, eff. 4-3-2000)

NAC 482.715 "Pilot program" defined. (NRS 482.281) "Pilot program" means the pilot program required to be established by the department pursuant to NRS 482.281.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R003-00, eff. 4-3-2000)

Authorization to Participate in Pilot Program for Renewal of Registrations. Stations not authorized to participate in the pilot program shall not engage in the business of renewing registrations for motor vehicles or offering services of renewing registrations for motor vehicles. To conduct business of renewing registrations for motor vehicles or offering services of renewing registrations for motor vehicles, an authorized station or authorized inspection station must:

1. Meet eligibility requirements set forth in ~~[NRS]~~ ~~NAC~~ 482.720;

2. Submit application pursuant to NAC 482.725;

~~[3. Enter into a Memorandum of Understanding pursuant to NAC 482.281]~~

~~[4]~~ 3. Submit the required bond pursuant to NAC 482.745; and

~~[5]~~ 4. Receive written approval from the department.

NAC 482.720 Eligibility. (NRS 482.281) To be eligible to participate in the pilot program, an authorized inspection station or authorized station:

~~{1- Must have been continuously licensed by the department as an authorized inspection station or authorized station for not less than 2 years immediately preceding the date of application; and}~~

~~{2} I.~~ Must not:

(a) Have committed any violation set forth in NRS 445B.790;

(b) Be owned in whole or in part by, ~~{or employ,}~~ any person who has been convicted of ~~{a}~~ *the following felony violations:*

(1) Deceptive trade practices

(2) Embezzlement

(c) Have issued a check to the department in payment of the fee to obtain forms certifying emission control compliance set forth in NRS 445B.830 that was returned for insufficient money or credit to pay the check; or

(d) Possess a license from the department to engage in the activities of:

(1) A vehicle transporter pursuant to the provisions of NRS 482.3161;

~~{(2) A new vehicle dealer, used vehicle dealer, manufacturer, distributor or rebuilder pursuant to the provisions of NRS 482.322;}~~

~~{(3)}~~ (2) A broker of vehicles pursuant to the provisions of NRS 482.333;

~~{(4) A salesman of vehicles, trailers or semitrailers pursuant to the provisions of NRS 482.362;}~~

~~{(5) Leasing vehicles as a long term or short term lessor pursuant to the provisions of NRS 482.363;}~~

~~{(6)}~~ (3) Dismantling, scrapping, processing or wrecking a vehicle pursuant to the provisions of NRS 487.050;

~~{(7)}~~ (4) Operating a salvage pool pursuant to the provisions of NRS 487.410; or

~~{(8)}~~ (5) Operating a body shop pursuant to the provisions of NRS 487.610.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R003-00, eff. 4-3-2000)

NAC 482.745 Bond or deposit. (NRS 482.281)

1. Except as otherwise provided in subsection 2, before an authorized inspection station or authorized station that is selected to participate in the pilot program may renew a certificate of registration for a motor vehicle, it shall obtain and file with the department a good and sufficient bond in an amount of ~~[\$15,000]~~ **10,000** subject to the condition that the station conduct its business as an authorized inspection station or authorized station in the pilot program without fraud or fraudulent representation and without violating any of the provisions of chapters 445B, 482, 597 and 598 of NRS or NAC 482.700 to 482.765, inclusive. Each bond must have a corporate surety thereon that is licensed to do business within this state and must be approved as to form by the attorney general.

2. In lieu of filing a bond, an authorized inspection station or authorized station may place on deposit with the department an amount equal to ~~[\$15,000]~~ **10,000** in the form of:

(a) Cash;

(b) A bond issued by the United States; or

(c) A savings certificate.

3. A deposit placed with the department pursuant to subsection 2 must be:

(a) Subject to the condition that the authorized inspection station or authorized station conduct its business as an authorized inspection station or authorized station in the pilot program without fraud or fraudulent representation and without violating any of the provisions of chapters 445B, 482, 597 and 598 of NRS or NAC 482.700 to 482.765, inclusive; and

(b) Available for withdrawal only upon the order of the department.

4. The department will require an increase in the amount of the bond or deposit of an authorized inspection station or authorized station if the department deems it to be necessary and in the public interest.

5. The undertaking in the bond or deposit must include, without limitation, any fraud or fraudulent representation or violation of any of the provisions of chapters 445B, 597 and 598 of NRS and NAC 482.700 to 482.765, inclusive, by any employee or agent of the authorized inspection station or authorized station.

6. The bond or deposit must provide that any person injured by an action of the authorized inspection station or authorized station, or an employee or agent of such a station, in violation of any of the provisions of chapters 445B, 597 or 598 of NRS or NAC 482.700 to 482.765, inclusive, may bring an action on the bond.

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

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R003-00, eff. 4-3-2000)

NAC 482.750 Amount of liability; suspension and reinstatement of participation. (NRS 482.281)

1. Liability under a bond which is filed or a deposit which is made with the department pursuant to NAC 482.745 will be in an amount prescribed by the department.

2. The department will suspend the participation of an authorized inspection station or authorized station in the pilot program if:

(a) The amount of the bond filed or the deposit made is reduced below the amount required by the department pursuant to NAC 482.745; or

(b) There is an outstanding judgment for which the authorized inspection station or authorized station is liable under the bond or deposit.

3. An authorized inspection station or authorized station whose participation in the pilot program is suspended pursuant to subsection 2 will be reinstated if the station:

(a) Files an additional bond pursuant to NAC 482.745;

(b) Restores the deposit to its original amount; or

(c) Satisfies the outstanding judgment for which it is liable.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R003-00, eff. 4-3-2000)

NAC 482.755 Bond or deposit: Disbursement; release; refund. (NRS 482.281) A bond which is filed or a deposit which is made with the department pursuant to NAC 482.745 may be:

1. Disbursed by the director, for good cause shown and after notice and hearing, in an amount determine by the director to compensate a person injured by an action of the authorized inspection station or authorized station, or an employee or agent of such a station.

2. Released by the director upon the receipt by the department of a statement that:

(a) Is signed by a person under whose name the bond or deposit is made;

(b) Is acknowledged before any person authorized to take acknowledgments in this state;

(c) Requests the director to release the bond or deposit, or a specified portion thereof; and

(d) Sets forth the purpose for which the release of the bond or deposit is requested.

3. Refunded by the director:

(a) One year after the date the participation of an authorized inspection station or authorized station in the pilot program terminates if the director determines that there are no outstanding claims against the bond or deposit; or

(b) Pursuant to an order of a court of competent jurisdiction.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R003-00, eff. 4-3-2000)

NAC 482.760 Duties of and restrictions on participants. (NRS 482.281) During the period of its participation in the pilot program, an authorized inspection station or authorized station:

1. May:

(a) Utilize department issued and installed software for the process of renewing certificates of registration for motor vehicles, or;

(b) Utilize the Department of Motor Vehicles and Public Safety registration renewal internet website for the process of renewing certificates of registration for motor vehicles;

2. Shall:

(a) Be open to the public for the renewal of certificates of registration for motor vehicles at least Monday through Friday from 8 a.m. to 5 p.m., except on the holidays set forth in NRS 236.015;

(c) Employ at the station at least two approved inspectors whose duties include the renewal of certificates of registration for motor vehicles and who are licensed pursuant to the provisions of NAC 445B.485 to 445B.502, inclusive;

(d) Maintain the records relating to the pilot program where the renewal of certificates of registration for motor vehicles are issued; and

(e) Authorize the department or any person designated by the department to conduct audits of its records relating to the pilot program:

(1) Within 3 months after the authorized inspection station or authorized station begins issuing the renewal of certificates of registration for motor vehicles;

(2) At least once every 12 months after completion of the initial audit; and

(3) At any other time requested by the department; and

(f) Make deposits of monies collected from the renewal of registrations to the DMV & PS location designated at the time of application:

(1) Once during the calendar week; or

(2) On any day when the money accumulated for deposit is \$10,000 or more, a deposit must be made not later than the next working day.

2. Shall not:

(a) Charge a fee of more than ~~[\$2]~~ \$10 to renew a certificate of registration for a motor vehicle;

~~[(b) Employ a person to renew certificates of registration for motor vehicles who has:]~~

~~[(1) Not completed a course of training provided by the department; or]~~

~~[(2) Been convicted of a felony; or]~~

~~[(c)] (b) Use or permit its employees to use:~~

(1) False, deceptive or misleading advertising to induce a person to renew the certificate of registration for his motor vehicle at that authorized inspection station or authorized station; or

(2) The name of the department or the state seal in any advertisement for the renewal of a certificate of registration for a motor vehicle.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R003-00, eff. 4-3-2000)

NAC 482.765 Grounds for termination of participation. (NRS 482.281) The department may terminate the participation of an authorized inspection station or authorized station in the pilot program. The grounds for termination include, without limitation:

1. The failure of the authorized inspection station or authorized station to engage in business;

2. The failure of the authorized inspection station or authorized station to comply with the applicable provisions of:

(a) Chapter 445B of NRS;

(b) Chapter 445B of NAC;

(c) Chapter 482 of NRS;

(d) Chapter 482 of NAC;

(e) Chapter 597 of NRS;

(f) Chapter 598 of NRS; or

(g) Chapter 598 of NAC;

3. The failure of an authorized inspection station or authorized station to maintain the bond or deposit required by NAC 482.745; or

~~[(4) A violation of any provision of the Memorandum of Understanding required by NAC 482.740.]~~

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R003-00, eff. 4-3-2000)

LCB File No. T023-01

NOTICE OF ADOPTION OF TEMPORARY REGULATION

The Department of Motor Vehicles and Public Safety adopted amended regulations which pertained to chapter 482 of the Nevada Administrative Code on February 7, 2001. A copy of the regulations as adopted is attached hereto.

INFORMATIONAL STATEMENT

February 7, 2001

The following statement is submitted for adopted amendments to temporary regulations to Nevada Administrative Code, Chapter 482.

The Department of Motor Vehicles and Public Safety noticed and held public hearings on February 6, 2001 and February 7, 2001 to solicit opinion on proposed regulations modifying the emission control inspection and maintenance program regulations.

The notice of public hearing and complete copies of the proposed temporary regulations were posted on or before January 4, 2001 at the Nevada State Library and Archives and each office of the Department of Motor Vehicles and Public Safety. In each county where the Department does not maintain an office, the notice was posted at the main office of the public library.

Public hearings were held on February 6, 2001 in Las Vegas and February 7, 2001 in Reno. In Las Vegas, five people were in attendance, with one person requesting information on the application process, and one person inquiring as to the time frame before regulations are adopted. In Reno, no one was in attendance.

The department will adopt the amended regulations with no changes made. No written submission was received.

There are no adverse economic effects of this regulation to the department, local authorities or the public.

There are no other state or government regulations which the proposed regulations duplicate.