

LCB File No. T012-02

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

**NOTICE OF PUBLIC HEARING
FOR THE ADOPTION OF REGULATIONS FOR
THE DEPARTMENT OF MOTOR VEHICLES**

The Department of Motor Vehicles will hold public workshops and hearings at the following locations on the dates and times specified:

Thursday, October 31, 2002

9:00 am

Washoe County Sheriffs Department

911 Parr Blvd.

Nevada Room

Reno, NV

and

Friday, November 1, 2002

10:00 am

Grant Sawyer Building

555 East Washington Blvd.

Room 1100

Las Vegas, NV

The purpose of this hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 482 of the Nevada Administrative Code. The following information is provided pursuant to the requirements of NRS 233B.0603:

The proposed regulations amend Chapter 482 of the Nevada Administration Code regarding Emission Stations that are renewing registrations of motor vehicles. The regulation amendments will specify the manner for depositing registration payments to the Department, the responsibility of emission station owners for their employees actions and use of employees within this program that have received departmental training.

Persons wishing to comment upon the proposed action of the Department of Motor Vehicles may appear at the scheduled public workshop and hearing or may address their comments, data, views, or arguments, in written form to Allen Nicholson, Management Services and Programs, 555 Wright Way, Carson City, NV 89711. Written submissions must be received by the Department of Motor Vehicles on or before November 1, 2002.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation the Department of Motor Vehicles may proceed immediately to act upon any written submissions.

Because this is a voluntary program, there are no adverse economic effects on the industry as a whole. However, participants may incur initial set-up costs for a personal computer and a dedicated telephone line.

If implemented, the proposed regulations would not have an adverse economic effect to the public.

The cost to the agency for enforcement of the proposed regulations is minimal due to existing staff that currently conducts audits periodically with licensees.

The proposed amendments of regulations pertaining to Chapter 482 of the Nevada Administrative Code do not overlap or duplicate that of any other state or local government agency. This regulation is not required pursuant to federal law nor does the federal government regulate similar activities.

A copy of this notice and the regulations to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be amended will be available at each office of the Department of Motor Vehicles listed, and at the main public libraries listed, for inspection and copying by members of the public during business hours. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the locations listed on the attached page.

Date: September 30, 2002

PROPOSED TEMPORARY REGULATION OF THE DEPARTMENT OF MOTOR VEHICLES

September 30, 2002

AUTHORITY: NRS 482.160, 482.280 and 482.281

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

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.

NAC 482.705 “Authorized inspection station” defined. ([NRS 482.281](#)) “Authorized inspection station” has the meaning ascribed to it in [NRS 445B.710](#).

NAC 482.710 “Authorized station” defined. ([NRS 482.281](#)) “Authorized station” has the meaning ascribed to it in [NRS 445B.720](#).

NAC 482.715 “Program” defined. ([NRS 482.281](#)) “Program” means the program established by the department pursuant to [NRS 482.281](#) under which authorized inspection stations and authorized stations may renew registrations of motor vehicles or offer services for the renewal of registrations of motor vehicles.

NAC 482.718 Prerequisites for participation. ([NRS 482.281](#))

1. Before an authorized inspection station or authorized station may renew registrations of motor vehicles or offer services for the renewal of registrations of motor vehicles, the authorized inspection station or authorized station must:

- (a) Meet the eligibility requirements set forth in [NAC 482.720](#);
- (b) Submit an application pursuant to [NAC 482.725](#);
- (c) Submit the required bond pursuant to [NAC 482.745](#); and
- (d) Receive written approval from the department to participate in the program.

2. An authorized inspection station or authorized station that has not received written approval from the department to participate in the program shall not renew registrations of motor vehicles or offer services for the renewal of registrations of motor vehicles.

NAC 482.720 Eligibility. ([NRS 482.281](#)) To be eligible to participate in the program, an authorized inspection station or authorized station must not:

1. Have committed any violation set forth in [NRS 445B.790](#);
2. Be owned, in whole or in part, by any person who has been convicted of a felony for committing:
 - (a) A deceptive trade practice; or
 - (b) Embezzlement;
3. 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

4. Possess a license from the department to engage in the activities of:
 - (a) A vehicle transporter pursuant to the provisions of [NRS 482.3161](#);
 - (b) A broker of vehicles pursuant to the provisions of [NRS 482.333](#);
 - (c) Dismantling, scrapping, processing or wrecking a vehicle pursuant to the provisions of [NRS 487.050](#);
 - (d) Operating a salvage pool pursuant to the provisions of [NRS 487.410](#); or
 - (e) Operating a body shop pursuant to the provisions of [NRS 487.610](#).

NAC 482.725 Application. ([NRS 482.281](#)) An authorized inspection station or authorized station that wishes to participate in the program must:

1. Submit an application to the department on a form provided by the department.
2. Provide any additional information that the department may require to evaluate the application.

NAC 482.745 Bond or deposit: Requirements. ([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 program may renew a certificate of registration for a motor vehicle, the authorized inspection station or authorized station must obtain and file with the department a good and sufficient bond in an amount of \$10,000 subject to the condition that the station conduct its business as an authorized inspection station or authorized station in the program without fraud or fraudulent representation and without violating any of the provisions of chapter 445B, 482, 597 or 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 \$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 program without fraud or fraudulent representation and without violating any of the provisions of chapter 445B, 482, 597 or 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 chapter 445B, 482, 597 or 598 of NRS or [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 chapter 445B, 482, 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.

NAC 482.750 Bond or deposit: 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 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 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.

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 determined 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 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.

NAC 482.760 Duties of and restrictions on participants; authorization for use of certain software and website of department. ([NRS 482.281](#)) During the period of its participation in the program, an authorized inspection station or authorized station:

1. 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](#);

(b) 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;

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

(d) Authorize the department or any person designated by the department to conduct audits of the station's records relating to the 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

(e) Deposit the money it has collected from the renewal of certificates of registration for motor vehicles with the department at the location designated by the department. The deposits must be made:

(1) Not less than once each calendar week; and

(2) If the money accumulated for deposit is \$10,000 or more, not later than the next business day.

(3) Fees must be deposited in the same form as received from customer,

(a) Cash must be deposited for cash transactions, original checks made payable to the department, etc.

(f) The business principle shall be responsible for the actions of his employees while participating in this program.

2. Shall not:

(a) Employ a person to issue or renew a certificate of registration for a motor vehicle who has not completed a course of training provided by the department and received a certificate of completion for the course from the department.

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

3. May:

(a) Use software that is issued and installed by the department to process the renewal of certificates of registration for motor vehicles; and

(b) Use the website of the department on the Internet to process the renewal of certificates of registration for motor vehicles.

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