

**PROPOSED REGULATION OF THE ADMINISTRATOR OF THE
DIVISION OF INDUSTRIAL RELATIONS OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R151-04

October 4, 2004

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

AUTHORITY: §1, NRS 616A.400 and 616C.245; §2, NRS 616A.400.

A REGULATION relating to industrial insurance; establishing regulations relating to the provision of a modified motor vehicle to an injured employee as an accident benefit; and providing other matters properly relating thereto.

Section 1. Chapter 616C of NAC is hereby amended by adding thereto a new section to read as follows:

1. If, pursuant to NRS 616C.245, an injured employee is entitled to receive as an accident benefit a motor vehicle that is modified to allow the employee to operate the motor vehicle safely, the insurer providing the accident benefits shall, pursuant to the order of preference set forth in subsection 3 of NRS 616C.245, modify a motor vehicle owned by the injured employee or purchase and modify a new or used motor vehicle for the injured employee not more than 30 days after receipt of documentation regarding the injury from the treating physician of the injured employee.

2. If, pursuant to the order of preference set forth in subsection 3 of NRS 616C.245, the insurer providing accident benefits is required to provide a modified new or used motor vehicle to an injured employee, the insurer shall select the make and model of the motor vehicle based on the medical requirements and physical restrictions of the injured employee described in the

documentation regarding the injury received from the treating physician of the injured employee.

3. Any motor vehicle provided to an injured employee pursuant to NRS 616C.245 must be modified by the insurer to meet the medical requirements and physical restrictions of the injured employee described in the documentation regarding the injury received from the treating physician of the injured employee. The insurer shall make additional modifications to such a motor vehicle as required by changes in the medical condition of the injured employee.

4. If an injured employee is provided a modified motor vehicle pursuant to NRS 616C.245, the injured employee is entitled to the reimbursement for mileage set forth in NAC 616C.1168 for all travel related to the claim of the injured employee.

5. An insurer providing accident benefits to an injured employee shall purchase and modify a motor vehicle to replace a modified motor vehicle that the insurer previously provided to an injured employee pursuant to NRS 616C.245 if the injured employee can demonstrate that:

(a) The modified motor vehicle is damaged and unable to be repaired; and

(b) The injured employee will drive the motor vehicle provided as a replacement.

6. If an injured employee is not entitled to receive a replacement motor vehicle pursuant to subsection 5, the insurer providing accident benefits shall provide transportation to the injured employee for all appointments related to the claim of the employee. The insurer may provide transportation to the injured employee by any means that are deemed appropriate by the insurer, including, without limitation, a monthly public transportation pass or a door-to-door public transportation service, taking into consideration the medical condition of the injured employee.

Sec. 2. NAC 616C.070 is hereby amended to read as follows:

616C.070 As used in NAC 616C.070 to 616C.336, inclusive, *and section 1 of this regulation*, “insurer” includes any employer who provides accident benefits for injured employees pursuant to NRS 616C.265.