

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

LCB File No. R002-08

March 13, 2008

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

AUTHORITY: §§1, 2 and 8, NRS 482.160; §3, NRS 482.160 and 482.206; §§4, 5 and 7, NRS 482.160 and 482.565; §6, NRS 482.160 and 482.482.

A REGULATION relating to vehicle registration; providing varying dates of registration for intrastate vehicles registered by the Motor Carrier Division of the Department of Motor Vehicles; revising provisions governing the registration of fleets of vehicles; providing administrative penalties for certain violations; revising provisions governing installment payments for the registration of certain fleets of vehicles; and providing other matters properly relating thereto.

Section 1. Chapter 482 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *As used in this section and sections 3 and 4 of this regulation, unless the context otherwise requires, “intrastate vehicle” means a vehicle that is registered solely for operation within the State of Nevada.*

Sec. 3. *An intrastate vehicle which must be registered through the Motor Carrier Division of the Department must be registered for a period of 12 consecutive months:*

- 1. Beginning January 1 and ending December 31;*
- 2. Beginning April 1 and ending March 31; or*
- 3. Beginning October 1 and ending September 30.*

Sec. 4. *1. All required documentation submitted to the Department for the renewal of the registration of a fleet of intrastate vehicles is due on or before the first day of the month in*

which the registration expires. If the required documentation is not submitted timely, the Department, pursuant to NRS 482.565:

(a) May, without limitation, suspend the privilege of the owner of the fleet of vehicles to pay in installments the renewal registration fees and the governmental services tax imposed by the provisions of chapter 371 of NRS for the privilege of operating those vehicles; and

(b) Will impose an administrative fine of not less than \$100 and not more than \$500 on the renewal of the fleet of vehicles. The amount of the administrative fine will be determined as follows:

(1) If the documentation is received by the Department not more than 7 calendar days after it is due, the Department will impose an administrative fine of \$100.

(2) If the documentation is received by the Department more than 7 calendar days but not more than 14 calendar days after it is due, the Department will impose an administrative fine of \$200.

(3) If the documentation is received by the Department more than 14 calendar days but not more than 21 calendar days after it is due, the Department will impose an administrative fine of \$300.

(4) If the documentation is received by the Department more than 21 calendar days after it is due but on or before the expiration of the registration, the Department will impose an administrative fine of \$400.

(5) If the documentation is received by the Department after the expiration of the registration, the Department will impose an administrative fine of \$500.

2. For the purposes of this section, documentation submitted to the Department for the renewal of the registration of a fleet of vehicles:

(a) Except as otherwise provided in paragraph (b), shall be deemed to have been received by the Department:

(1) If delivered by mail, on the date shown by the postmark stamped by the United States Postal Service or the postal service of any other country upon an envelope containing the documentation properly addressed to the Department. If no postmark is present on the envelope, the Department will consider the date of delivery as the date received.

(2) If delivered by a private postal service, on the business day next preceding the date of actual delivery.

(3) If delivered via the Internet, on the date actually received by the Department, regardless of any reason for delay.

(b) Shall be deemed not to have been received by the Department unless all required documentation is included.

Sec. 5. 1. *Pursuant to NRS 482.565, the Department will impose an administrative fine for violations relating to the lapse of the registration of vehicles registered through the Motor Carrier Division of the Department and occurring within the 3-year period immediately preceding the most recent offense according to the following schedule:*

(a) For the first offense, an administrative fine of not more than \$500.

(b) For the second offense, an administrative fine of not less than \$500 and not more than \$1,000.

(c) For the third offense, an administrative fine of not less than \$1,000 and not more than \$1,500.

(d) For the fourth or subsequent offense, an administrative fine of not less than \$1,500 and not more than \$2,500.

2. For the purposes of paragraphs (b), (c) and (d) of subsection 1, a notice of violation and directive to cease from further violation issued by the Department shall be deemed to be a first offense.

Sec. 6. *1. Installment payments for the original or renewal registration fees for a fleet of vehicles with a declared gross weight in excess of 26,000 pounds and the governmental services tax imposed by the provisions of chapter 371 of NRS for the privilege of operating those vehicles are due to the Department on or before January 1, April 1, July 1 and October 1 of each year.*

2. For the purposes of this section, the Department will suspend for the remainder of the present registration year and the following registration year the privilege of the owner of the fleet of vehicles to pay in installments if:

(a) An installment payment is received from the owner of the fleet of vehicles after the date due; or

(b) A check or draft issued by the owner of the fleet of vehicles to the Department for the installment payment is returned to the Department for insufficient funds.

Sec. 7. NAC 482.930 is hereby amended to read as follows:

482.930 1. Except as otherwise provided in subsection 2 and NAC 482.042, *and sections 4 and 5 of this regulation*, if the Department imposes administrative fines pursuant to the provisions of NRS 482.565, it will impose such fines for violations occurring within the 3-year period immediately preceding the most recent offense according to the following schedule:

(a) For a first offense, a fine of not less than \$100 nor more than \$500.

(b) For a second offense, a fine of not less than \$500 nor more than \$1,000.

(c) For a third offense, a fine of not less than \$1,000 nor more than \$1,500.

(d) For a fourth or subsequent offense, a fine of not less than \$1,500 nor more than \$2,500.

↪ For the purposes of paragraphs (b), (c) and (d), ~~[of this subsection,]~~ a cease and desist order issued by the Department shall be deemed to be a first offense.

2. The Department may impose a fine of not less than \$1,500 nor more than \$2,500 for any violation of NRS 482.300, 482.3161, 482.322, 482.362 or 482.363.

3. Any person who has been fined pursuant to the provisions of NRS 482.565 shall make payment to the Department not later than the date specified in the notice of the violation, unless he has requested a hearing pursuant to subsection 1 of that section.

4. Upon the failure of a person to pay a fine imposed pursuant to the provisions of this section when it becomes due, the Director may suspend, revoke or refuse to issue any license obtained pursuant to the provisions of this chapter.

Sec. 8. 1. This section and sections 1, 2, 4, 5 and 7 of this regulation become effective upon filing with the Secretary of State.

2. Sections 3 and 6 of this regulation become effective on January 1, 2009.