

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

**LCB File No. R026-10**

September 17, 2010

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

AUTHORITY: §§1 and 2, NRS 445B.785; §3, NRS 482.281.

A REGULATION relating to motor vehicles; authorizing certain emissions test stations to obtain permission to revise their business days; and providing other matters properly relating thereto.

**Section 1.** NAC 445B.472 is hereby amended to read as follows:

445B.472 1. Each test station shall maintain and have available for collection, records of all inspections and repairs, as may be applicable, for evaluation of the information at the request of the Department.

2. Except as otherwise provided in subsection 3, the principal portion of the established place of business of a test station must be open to inspection by any authorized agent of the Department during ~~[regular business hours as set forth in]~~ *the days and hours that it is open for business as established pursuant to* NAC 445B.480.

3. The Department may grant an exception to the requirement set forth in subsection 2 for good cause shown upon a request submitted to the Department by a test station in writing or by electronic mail.

4. A representative of the Department will perform an audit of all exhaust gas analyzers located at a test station a minimum of once every calendar month.

5. A representative of the Department will perform an accuracy audit using specialty gas specifically designed for that purpose on all exhaust gas analyzers located at a test station a minimum of once every quarter in each calendar year.

**Sec. 2.** NAC 445B.480 is hereby amended to read as follows:

445B.480 1. A test station shall post and adhere to ~~regular business~~ *specific days and hours of business* and test any motor vehicle presented at its facility during those *days and hours*, except as otherwise provided in NAC 445B.478 or unless the motor vehicle is rejected for reasons of safety.

2. ~~For the purposes of this section, regular business hours are~~ *Except as otherwise provided in subsection 3, a test station must be open for business on* Monday through Friday from 8 a.m. to 5 p.m. except on the holidays set forth in NRS 236.015.

3. *The holder of a license for a test station may submit a request on a form provided by the Department to be open for business from 8 a.m. to 5 p.m. on different days. Upon receiving such a request, the Department will grant approval to the licensee if the test station will remain open for business on at least 2 weekdays from 8 a.m. to 5 p.m. except on the holidays set forth in NRS 236.015.*

4. For an authorized station or an authorized inspection station operated by a single ~~employee,~~ *approved inspector*, a notification indicating at what time the ~~employee~~ *approved inspector* will return must be posted at the test station for any instance of business closure.

**Sec. 3.** NAC 482.760 is hereby amended to read as follows:

482.760 1. During the period of its participation in the program, an authorized inspection station or authorized station:

(a) Shall:

(1) ~~[Be]~~ *Except as otherwise provided in subsection 2, 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;

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

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

(4) Authorize the Department or any person designated by the Department to conduct audits of the station's records relating to the program:

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

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

(III) At any other time requested by the Department;

(5) Use software that is issued and installed in an exhaust gas analyzer by the Department to process the renewal of certificates of registration for motor vehicles; and

(6) 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:

(I) Not less than once each calendar week;

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

(III) In the same form as received from each customer.

(b) Shall not:

(1) Employ a person to renew certificates of registration for motor vehicles unless the person:

(I) Completes a course of instruction provided for that purpose by the Department; and

(II) Receives from the Department a certificate of completion for the course;

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

(3) Use or allow its employees to use:

(I) 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

(II) The State Seal in any advertisement for the renewal of a certificate of registration for a motor vehicle; or

(4) Use or allow its employees to use the name or initials of the Department in any advertisement, unless:

(I) The Department authorizes such use;

(II) The Department provides the image, logo, emblem or other design containing the name or initials of the Department that is to be used in the advertisement; and

(III) The authorized inspection station or authorized station, as applicable, complies with the terms of the Department's authorization, including, without limitation, any conditions imposed by the Department upon the use of its name or initials.

↪ An advertisement described in this subparagraph must comply with any other applicable provisions of this chapter and must not state or imply that the Department endorses the applicable authorized inspection station or authorized station.

2. *The holder of a license for an authorized inspection station or authorized station may submit a request on a form provided by the Department to be open for business from 8 a.m. to 5 p.m. on different days. Upon receiving such a request, the Department will grant approval to the licensee if the authorized inspection station or authorized station will remain open for business on at least 2 weekdays from 8 a.m. to 5 p.m. except on the holidays set forth in NRS 236.015.*

3. As used in this section, “exhaust gas analyzer” means a device for sensing the amount of air contaminants in the exhaust emissions of a motor vehicle.