

**ADOPTED REGULATION OF THE
DIRECTOR OF THE DEPARTMENT OF MOTOR VEHICLES**

LCB File No. R126-11

Effective May 30, 2012

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

AUTHORITY: §1, NRS 481.051, 482.160 and 485.130; §§2-5, NRS 485.130, 485.313 and 485.314.

A REGULATION relating to motor vehicles; providing for the enforcement of provisions relating to maintaining insurance on a motor vehicle; revising provisions relating to the submission of certain records to the Department of Motor Vehicles by insurers; and providing other matters properly relating thereto.

Section 1. Chapter 485 of NAC is hereby amended by adding thereto a new section to read as follows:

1. For each motor vehicle registered in this State, at least one registered owner shall designate himself or herself at the time of registration as responsible for maintaining insurance on the motor vehicle pursuant to NRS 485.317 and subject to the penalties prescribed in NRS 482.557 using a form prescribed by the Department. The registered owner who is so designated may change the designation to another registered owner of the motor vehicle by notifying the Department on a form provided by the Department.

2. For the purpose of enforcing NRS 482.557, the Department will maintain a record of each suspension of registration pursuant to NRS 485.317 for at least 5 years following a reinstatement from that suspension. If a subsequent suspension of registration occurs pursuant to NRS 485.317 within 5 years after the date of a reinstatement, the subsequent suspension will be treated as a subsequent offense for the purpose of NRS 482.557.

3. A certificate of financial responsibility required to be filed pursuant to NRS 482.557 is not transferable.

4. A registered owner may request a hearing for a suspension of registration pursuant to NRS 485.317 or a suspension of his or her driver's license pursuant to NRS 482.557 caused by a lack or lapse of insurance by completing a form provided by the Department within 30 days after the date on which the notice of suspension was sent by the Department pursuant to subsection 3 of NRS 485.317. The registered owner must submit evidence of current insurance valid in Nevada when requesting a hearing. A hearing will not be granted for consideration of additional time to obtain money to pay any fee or fine or to resolve any dispute with the insurance company.

5. In addition to any other information, the Department will count all days on which a motor vehicle was not covered by a policy of liability insurance when assessing a penalty to reinstate the registration pursuant to NRS 482.557. If there are additional dates not included in the original request for information on which the motor vehicle was not covered by a policy of liability insurance, those days will also be counted for the purpose of assessing any penalty pursuant to NRS 482.557.

Sec. 2. NAC 485.160 is hereby amended to read as follows:

485.160 An insurer that:

1. Insures motor vehicles which are registered in this State; or
2. Issues motor vehicle liability policies that do not describe specific vehicles to:
 - (a) Companies who own or operate a fleet of vehicles and whose place of business is located in this State; or
 - (b) Residents of this State who own or operate a fleet of vehicles,

↪ shall maintain each record required pursuant to NRS 485.314 and submit ~~to the Department~~ ~~each record required pursuant to NAC 485.165 to 485.180, inclusive,~~ records in accordance with a list of specifications published by the Department ~~;~~ *when requested by the Department.*

Sec. 3. NAC 485.170 is hereby amended to read as follows:

485.170 1. If ~~pursuant to this section or NAC 485.160 or 485.165,~~ the Department receives from an insurer a record that contains an error, the Department will return the record to the insurer for correction.

2. Upon receipt of a record that is returned for correction pursuant to subsection 1, the insurer shall correct the error and resubmit the record to the Department not later than 5 p.m. on the seventh business day after the insurer receives the returned record.

Sec. 4. NAC 485.175 is hereby amended to read as follows:

485.175 1. If on two or more occasions within a 12-month period:

(a) The system maintained by an insurer to respond to an electronic query by the Department requesting the insurer to verify a motor vehicle liability policy:

(1) Is unavailable and the insurer fails to notify the Department; or

(2) Is unavailable for a total of 24 hours or more during a month; or

(b) An insurer fails to submit records required pursuant to NAC 485.160 ~~;~~ ~~485.165~~ or 485.170,

↪ the Department will consider the insurer to be in noncompliance with the provisions of NRS 485.314.

2. If the Department determines pursuant to subsection 1 that an insurer is in noncompliance with NRS 485.314, the Department will notify the Commissioner of Insurance and will not provide to that insurer information regarding:

- (a) A driver's license;
- (b) The registration of a vehicle; or
- (c) The title of a vehicle,

↪ until such time as the Department receives from that insurer a response to each electronic query to which the insurer failed to respond while its system was unavailable or each record that the insurer previously failed to submit.

Sec. 5. NAC 485.165 is hereby repealed.

TEXT OF REPEALED SECTION

485.165 Submission of record by nonelectronic means; report of no activity by insurer.

(NRS 485.130, 485.313, 485.314) An insurer that does not maintain a system to respond to an electronic query by the Department requesting the insurer to verify a motor vehicle liability policy shall:

1. Submit a record to the Department if the insurer issues, amends or terminates a motor vehicle liability policy that covers a motor vehicle which is required to be registered in this State not later than 7 days after the effective date of the issuance, amendment or termination of the policy. The record must:

- (a) Include the information that the insurer is required to maintain pursuant to NAC 485.155;
- and
- (b) Conform to the list of specifications published by the Department.

2. If the insurer has no issuances, amendments or terminations of motor vehicle liability policies to report, submit to the Department, each week, a record stating that the insurer has no activity to report. Such a record must be submitted in a format prescribed by the Department for this purpose.

NOTICE OF ADOPTION OF REGULATION

The Nevada Department of Motor Vehicles adopted regulations assigned LCB File No. R126-11, which pertain to chapter number 485 of the Nevada Administrative Code, on March 21, 2012. A copy of the regulations as adopted is attached hereto.

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS AS REQUIRED BY
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB FILE NO. R126-11
March 21, 2012

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 485:

1. A description of how public comment was solicited, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notices of workshop and notices of intent to act upon the regulations were sent out for posting by electronic mail to all DMV offices and county libraries where there is not a DMV office. They were also made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm.

A Public Workshop was noticed on October 18, 2011, and held on November 3, 2011 at the Department of Motor Vehicles at 555 Wright Way, Carson City, Nevada and video-conferenced to the Department of Motor Vehicles at 8250 W. Flamingo Road, Las Vegas, Nevada. Teleconferencing to the Carson City location was also made available for up to twenty participants. Eight members of the general public or business industry attended the workshop. No testimony was submitted. No written comments were submitted.

A Notice of Intent to Act upon the Regulations was noticed on February 8, 2012, and a public hearing was held on March 13, 2012. There were a few questions but no testimony was submitted either in favor or against the regulations. No written comments were submitted.

A recording of the Public Workshop and Notice of Intent to Act upon the Regulations is on file at the Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711. Copies of these minutes may be obtained by written request to Attention Pete Olson, Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711.

2. The number of persons who:

(a) Attended the workshop; 16

In attendance in Carson City – 10

Debbie Wilson, Department of Motor Vehicles (Workshop's Hearing Officer)

Bernadette Nieto, Department of Motor Vehicles

Pete Olson, Department of Motor Vehicles

Rhonda Bavaro, Department of Motor Vehicles

Bruce Manning, Department of Motor Vehicles

Doreen Rigsby, Department of Motor Vehicles

Frank Maiden, Department of Motor Vehicles

Kay Lockhart, NIIA

Marie Holt, Department of Insurance

Lisa Foster, American Family and Allstate

In attendance in Carson City (Teleconferenced) - 2

Kerri Crocker, ISO

William Napoleone, The American Road Insurance Company

In attendance in Las Vegas – 4

Rebecca Gallagher, Department of Motor Vehicles

Robert Compan, Farmers/Zurich

Mary Hayes, American Access

Kelly Berry, Nevada Direct

(b) Testified at the workshop; 0

(c) Submitted to the agency written statements; 0

(d) Attended the hearing; 11

In attendance in Carson City – 7

Allison Wall, Department of Motor Vehicles (Hearings Officer)

Terri Carter, Department of Motor Vehicles

Pete Olson, Department of Motor Vehicles

Rhonda Bavaro, Department of Motor Vehicles

Bruce Manning, Department of Motor Vehicles

Nathan Rash, Department of Motor Vehicles

Lisa Foster, Allstate and American Family Insurance

In attendance in Carson City (Teleconferenced) - 0

In attendance in Las Vegas – 4

Tracey Vannattan, Department of Motor Vehicles

Laura Pemberton, Mendota Insurance

Melanie Brice, Mendota Insurance

Mary Hayes, American Access Insurance

(e) Testified at the hearing - 2

Laura Pemberton, Mendota Insurance (had a few questions)

Rhonda Bavaro, Department of Motor Vehicles (answered questions)

(f) Submitted to the agency written statements - 0

- 3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited using electronic mail and postings as described in Question 1 for both the Workshop and the Hearing. No written comments were submitted for either the Workshop or the Hearing. Copies of the minutes may be obtained by written request to Attention Pete Olson, Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711.

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Following the public workshop, the regulations were submitted to the Legislative Counsel Bureau for review. In addition to some language cleanup only one minor change was made. Added to section 1, subsection 4, is that a registered owner may request a hearing for a suspension of driver's license.

Since there were no public comments the regulation was adopted without further changes.

- 5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:**

(a) Both adverse and beneficial effects; and

The regulations will have no estimated adverse economic effect on businesses or on the public.

(b) Both immediate and long-term effects.

The regulations will have no estimated immediate or long-term economic effect on businesses or on the public.

- 6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the Department of Motor Vehicles for the enforcement of the adopted regulations.

- 7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or federal government agency regulations that are duplicated or overlapped by the adopted regulations.

8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There are no federal regulations that regulate the same activity as addressed in the adopted regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulations do not provide new fees or increases in any existing fees.

10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business? What methods did the agency use in determining the impact of the regulation on small business?

The Department of Motor Vehicles has determined that the adopted regulation does not impose a direct and significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small businesses.