

Note: The Department of Motor Vehicles adopted two different regulations with the LCB file number R162-01.

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

LCB File No. R162-01

Effective March 26, 2002

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

AUTHORITY: §§1, 2 and 5, NRS 485.130; §3, NRS 485.317; §4, NRS 485.130 and 485.320.

Section 1. Chapter 485 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *If the registered owner of a motor vehicle for which the registration has been suspended pursuant to NRS 485.317 wishes to pay the reduced fee of \$50 to reinstate the registration of the vehicle pursuant to paragraph (b) of subsection 6 of NRS 482.480 on the ground that the vehicle was a dormant vehicle, the registered owner must present proof satisfactory to the department that the vehicle was dormant because of mechanical circumstances or seasonal circumstances. Satisfactory proof may include, without limitation:*

(a) For mechanical circumstances:

(1) Receipts for repairs to the vehicle from a garage or mechanic; or

(2) Receipts for parts if repairs to the vehicle were completed by any other person.

(b) For seasonal circumstances:

(1) Receipts for the storage of the vehicle from a storage facility; or

(2) If the vehicle was stored on private property, an affidavit from the owner of the private property setting forth that the vehicle was stored on the property.

2. *As used in this section:*

(a) *“Mechanical circumstances” has the meaning ascribed to it in NAC 485.028.*

(b) *“Seasonal circumstances” has the meaning ascribed to it in NAC 485.028.*

Sec. 3. *1. If the registered owner of a motor vehicle for which the registration has been suspended pursuant to NRS 485.317 wishes to pay the reduced fee of \$50 to reinstate the registration of the vehicle pursuant to paragraph (a) of subsection 9 of NRS 485.317, or to have the suspension of the registration of the vehicle rescinded without the payment of a fee pursuant to paragraph (b) of subsection 9 of NRS 485.317, on the ground of extenuating circumstances, the registered owner must present proof satisfactory to the department that extenuating circumstances existed which prevented the registered owner from renewing the policy of liability insurance covering the vehicle. The proof presented must cover the period specified by the department and be acceptable to the department.*

2. The department will not rescind the suspension of the registration of a motor vehicle without the payment of a fee on the ground of extenuating circumstances for a registered owner more than once. The department will notify the registered owner at the time the suspension is rescinded of the provisions of NRS 485.320, which requires cancellation of the registration of the vehicle on or before the date on which the policy of liability insurance covering the vehicle is canceled or expires.

3. As used in this section, “extenuating circumstances” means that the motor vehicle was neither insured nor operated during a specific period because of circumstances beyond the control of the registered owner that are acceptable to the department, including, without limitation, the hospitalization of the registered owner, the serious illness or death of a member of the immediate family of the registered owner, or any other catastrophic event.

Sec. 4. NAC 485.028 is hereby amended to read as follows:

485.028 **1.** As used in NRS 485.0335, the department will interpret the phrase:

~~1-1~~ **(a)** “Extended period” to mean:

~~1-a~~ **(1)** With respect to a motor vehicle ~~that~~ *for which the owner failed to cancel the registration and which* will not be operated because of mechanical circumstances, a period of not less than 30 days ~~nor~~ *and not* more than 6 months.

~~1-b~~ **(2)** With respect to a motor vehicle ~~that~~ *for which the owner failed to cancel the registration and which* will not be operated because of seasonal circumstances, a period of not less than 3 months.

~~1-2~~ **(b)** “Mechanical circumstances” to mean that the components or systems of a motor vehicle have failed to such an extent that the vehicle cannot be operated.

~~1-3~~ **(c)** “Seasonal circumstances” to mean that a motor vehicle is not used during certain periods of the year because of weather or other factors which make operation of the vehicle during those periods undesirable, unnecessary or impractical.

2. *As used in this section, “components or systems of a motor vehicle” means the engine, brake system, transmission system, drivetrain system, heating and air-conditioning system, cooling system, or muffler and exhaust system.*

Sec. 5. NAC 485.160 is hereby amended to read as follows:

485.160 **1.** Except as otherwise provided in subsection 3, an insurer that:

(a) Insures motor vehicles which are registered in this state; or

(b) Issues motor vehicle liability policies that do not describe specific vehicles to:

(1) Companies who own or operate a fleet of vehicles and whose place of business is located in this state; or

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(2) Residents of this state who own or operate a fleet of vehicles, shall submit a record required pursuant to NRS 485.314 in ~~[the form prescribed in]~~ *accordance with* subsection 2.

2. A record submitted pursuant to NRS 485.314 must ~~[be contained:~~

~~—(a) On a magnetic cartridge;~~

~~—(b) On a magnetic reel tape; or~~

~~—(c) In a direct electronic transmission of data, after the department is able to receive such a transmission;~~

~~which complies]~~ *comply* with a list of specifications that is available from the department.

3. If an insurer:

(a) Insures fewer than 200 vehicles that are registered in this state; or

(b) Issues fewer than 200 motor vehicle liability policies that do not describe specific vehicles to:

(1) Companies who own or operate a fleet of vehicles and whose place of business is located in this state; or

(2) Residents of this state who own or operate a fleet of vehicles,

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the insurer may, in addition to ~~[using the methods of]~~ submitting records ~~[set forth]~~ in *accordance with* subsection 2, submit a record required pursuant to NRS 485.314 on a computer diskette that is 3 1/2 inches wide, IBM compatible, double-sided with double or high density and formatted to comply with a list of specifications which is available from the department. Such a diskette must be submitted to the Insurance Verification Program, ~~[DMV/PS Motor Vehicles Branch,]~~ *Department of Motor Vehicles*, 555 Wright Way, Carson City, NV 89711-0800.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R162-01**

The Department of Motor Vehicles adopted regulations assigned LCB File No. R162-01 which pertain to the insurance verification program on March 12, 2001.

Notice date: 10/23/2001 & 1/4/2002 **Date of adoption by agency:** 3/12/2002
Hearing date: 12/5/2001 & 12/7/2001 & 2/12/2002 **Filing date:** 3/26/2002

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code, Chapter 485 related to the Insurance Verification Program.

The Department of Motor Vehicles noticed the public regulation workshop and hearing by notices in all Department offices and in counties where a Department office is not located in the County Public Library. Neither verbal or written comments were received.

No one attended the workshop or hearing in Carson City.

Comments were solicited from affected persons by notices posted in Department offices and county libraries as outlined in paragraph two.

The permanent regulation was adopted without change to any part of the proposed regulation, since there was no public comment.

There is no immediate or long term economic effect of the adopted regulation.

There will not be any additional cost to the agency to enforcement this regulation.

There are no other state or government agency regulations that the proposed regulation will duplicate.