

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

LCB File No. R116-09

Effective June 30, 2010

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

AUTHORITY: §§1-6, NRS 482.281.

A REGULATION relating to motor vehicles; authorizing certain approved inspectors to renew certificates of registration for motor vehicles at an authorized emissions inspection station or an authorized station; 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 and 3 of this regulation.

Sec. 2. *“Approved inspector” has the meaning ascribed to it in NRS 445B.705.*

Sec. 3. 1. *The Department may authorize an approved inspector to renew certificates of registration for motor vehicles at an authorized inspection station or an authorized station that participates in the program if the approved inspector:*

(a) Satisfactorily completes a course of instruction provided for that purpose by the Department;

(b) Submits an application to the Department on a form provided by the Department; and

(c) Provides any other information that the Department may require.

2. *The Department will not authorize an approved inspector to renew certificates of registration for motor vehicles at an authorized inspection station or an authorized station that participates in the program if the approved inspector:*

(a) Has ever been convicted of a felony for committing a crime involving moral turpitude, including, without limitation:

(1) A deceptive trade practice;

(2) Embezzlement; or

(3) Fraud; or

(b) Has been convicted of any other felony within the immediately preceding 7 years.

Sec. 4. NAC 482.700 is hereby amended to read as follows:

482.700 As used in NAC 482.700 to 482.765, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 482.705, 482.710 and 482.715 *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 482.720 is hereby amended to read as follows:

482.720 To be eligible to participate in the program, an authorized inspection station or authorized station must not:

1. Have committed any violation set forth in NRS 445B.790;

2. ~~Employ or be~~ **Be** owned, in whole or in part, by any person who ~~has~~ :

(a) Has ever been convicted of a felony for committing a crime involving moral turpitude, including, without limitation:

~~[(a)]~~ *(1) A deceptive trade practice;*

~~[(b)]~~ *(2) Embezzlement; or*

~~[(c)]~~ *(3) Fraud; or*

(b) Has been convicted of any other felony within the immediately preceding 7 years.

3. Have issued a check to the Department in payment of the fee to obtain forms certifying emission control compliance set forth in NRS 445B.830 that was returned for insufficient money or credit to pay the check; or

4. Possess a license from the Department to engage in the activities of:

(a) A vehicle transporter pursuant to the provisions of NRS 482.3161;

(b) A broker of vehicles pursuant to the provisions of NRS 482.333;

(c) Dismantling, scrapping, processing or wrecking a vehicle pursuant to the provisions of NRS 487.050;

(d) Operating a salvage pool pursuant to the provisions of NRS 487.410; or

(e) Operating a body shop pursuant to the provisions of NRS 487.610.

Sec. 6. 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 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;~~ *authorized by the Department to renew certificates of registration for motor vehicles pursuant to section 3 of this regulation;*

(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~~ *Allow an employee who is not an approved inspector authorized by the Department pursuant to section 3 of this regulation* 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;] pursuant to section 3 of this regulation;~~

(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. 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.

**NOTICE OF ADOPTION OF REGULATION
LCB FILE R116-09**

The Department of Motor Vehicles adopted regulations assigned LCB File No. R116-09, which pertain to Chapter 482 of the Nevada Administrative Code on June 2, 2010. A copy of the regulations as adopted is attached hereto.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 482.

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

Copies of the proposed regulation, notices of Public Workshop and Hearing and notices of intent to act upon the regulation were sent by U.S. mail and email to all interested persons who have requested notification of proposed regulation amendments. The documents relating to the proposed regulation amendments were made available on the Department of Motor Vehicles website at: www.dmvnv.com/publicmeetings.htm. The proposed regulation amendment documents were posted at all county libraries in Nevada where there is not a Department of Motor Vehicles Office and at the following Department locations:

Department of Motor Vehicles
555 Wright Way
Carson City, Nevada 89701

Department of Motor Vehicles
305 Galletti Way
Reno, Nevada 89520

Department of Motor Vehicles
3920 East Idaho Street
Elko, Nevada 89801

Department of Motor Vehicles
178 N Avenue F
Ely, Nevada 89301

Department of Motor Vehicles
973 West Williams Street
Fallon, Nevada 89406

Department of Motor Vehicles
1085 Highway 95
Hawthorne, Nevada 89415

Department of Motor Vehicles
1399 American Pacific Drive
Las Vegas, Nevada 89074

Department of Motor Vehicles
8250 West Flamingo Road
Las Vegas, Nevada 89147

Department of Motor Vehicles
2701 East Sahara Avenue
Las Vegas, Nevada 89104

Department of Motor Vehicles
7170 North Decatur Blvd
Las Vegas, Nevada 89131

Department of Motor Vehicles
3030 South Needles Highway
Laughlin, Nevada 89028

Department of Motor Vehicles
330 North Sandhill Road
Mesquite, Nevada 89027

Department of Motor Vehicles
1780 East Basin Avenue
Pahrump, Nevada 89060

Department of Motor Vehicles
1137 South Main Street #C-8
Tonopah, Nevada 89049

Department of Motor Vehicles
3505 Construction Way
Winnemucca, Nevada 89445

Department of Motor Vehicles
215 West Bridge Street #9
Yerington, Nevada 89447

A Public Workshop was noticed on October 27, 2009 and held on December 11, 2009 to discuss the proposed amendments relating to the acceptance criteria applicants must meet to renew vehicle registrations at participating authorized emission stations. No member of the general public or affected business industry provided any comment or testimony during the Public Workshop. A Sergeant representing the Department of Motor Vehicles Compliance Enforcement Division provided brief comment regarding one portion of the conceptual language. The Department did not receive written comment from any member of the public, government agency or affected business industry.

A Public Hearing was noticed on February 24, 2010 and held on April 8, 2010 to obtain comment and testimony regarding the proposed amendments relating to the acceptance criteria applicants must meet to renew vehicle registrations at participating authorized emission stations. No member of the general public, government agency or affected business industry provided any comment or testimony during the Public Hearing. The Department did not receive written comment from any member of the public, government agency or affected business industry.

A copy of the minutes for the Public Workshop held on December 11, 2009 and Public Hearing held on April 8, 2010 may be obtained by contacting the Department of Motor Vehicles Compliance Enforcement Division, 555 Wright Way, Carson City Nevada 89701, (775) 684-4805, or email to iharper@dmv.nv.gov

2. The number persons who:

- | | |
|--|-----------|
| (a) Attended the December 11, 2009 workshop: | 16 |
| (b) Provided comment at the December 11, 2009 workshop: | 0 |
| (c) Attended the April 8, 2010 hearing: | 6 |
| (d) Provided testimony at the April 8, 2010 hearing: | 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 from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #1.

- 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.**

The permanent regulation was adopted on June 2, 2010 using the proposed language.

- 5. List 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

(b) Both immediate and long-term effects.

(a) Both adverse and beneficial effects

The regulation amendments shall have no adverse or beneficial economic effect.

(b) Both immediate and long-term effects

The regulation amendments shall have no immediate or long-term economic effect.

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

There is no additional cost to the agency for enforcement of this regulation.

- 7. List 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, list the name of the regulating federal agency.**

There are no other state or federal government agency regulations that the proposed amendments duplicates.

- 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 regulation.

- 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.**

This regulation does not provide or involve a new fee. A total fee amount is not expected to be collected or used.

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 a small business?

The Department of Motor Vehicles has determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business.