

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Public Hearing for the Adoption of Regulations of the Department of Motor Vehicles

The Department of Motor Vehicles will hold public hearings at the following locations on the date and time specified:

PUBLIC HEARING

Monday, January 6, 2020, 9:00 A.M.

**Carson City
State Legislative Building, Room 3137
401 South Carson St.
Carson City, Nevada 89701**

***Video Conference Access*
Las Vegas
State Legislature
Grant Sawyer Building, Room 4412
555 E. Washington Ave.
Las Vegas, Nevada 89101**

**Elko
Great Basin College
1500 College Pkwy, High Tech Center, Room TBD
Elko, Nevada 89801**

The purpose of this Hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Assembly Bill 483, Chapter 482 Section 2, Subsection 6 of the Nevada Administrative Code. These regulations, **LCB File No. R097-19** are being proposed pursuant to:

AB483 (2019) requires the Department of Motor Vehicles to adopt regulations to establish procedures for collection of mileage shown on odometers of certain motor vehicles.

AGENDA

Note: Items on the agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time

A period of public comment will be allowed after each item on the agenda. No action will be taken on these items during the public hearing. Because of time considerations,

the duration of the hearing and the period for public comment by each speaker may be limited. Reasonable efforts will be made to accept testimony from all participants.

Note: reasonable efforts will be made to assist and accommodate physically disabled persons desiring to attend the meeting. Please call the contact number listed in this notice so that advance arrangements for attendance may be made.

ITEMS FOR CONSIDERATION

- Body Type Definitions
- Procedures for Collecting Odometer Readings
- Exemptions

A copy of all materials relating to the proposals may be obtained at the hearing or by contacting:

Molly Lennon, Management Analyst II
E-mail: mlennon@dmv.nv.gov Phone: (775) 684-4960
Nevada Department of Motor Vehicles
Management Services and Programs Division
555 Wright Way, Carson City, NV 89711

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

To adopt regulations under the Nevada Administrative Code, as provided by A.B. 483 (2019) requiring the Department to adopt regulations necessary to implement the pilot program and carry out the provisions of NRS Chapter 482.

2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.

- The proposed regulations establish procedures for collection of mileage shown on odometers of certain motor vehicles to create a report.
- The proposed regulations provide clear definitions of the motor vehicles required to report their mileage.
- Proposed regulations provide exemptions to the procedure to avoid undue hardship for a registered owner of a motor vehicle required to report the mileage.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. Stated separately and, in each case to include:

Business:

- (a) Adverse and beneficial effects
 - i. Adverse: The Department does not foresee any adverse impact on businesses.
 - ii. Beneficial: The Department does not foresee any economic benefit to business.

- (b) Both immediate and long-term effects.
 - i. Immediate: The Department does not foresee any immediate impact on businesses.
 - ii. Long-term: The Department does not foresee any long-term impact on businesses.

Public:

- (a) Adverse and beneficial effects
 - i. Adverse: The Department does not foresee any adverse impact on the public.
 - ii. Beneficial: The Department does not foresee any economic benefit to public.

- (b) Both immediate and long-term effects.
 - i. Immediate: The Department does not foresee any immediate impact on the public.
 - ii. Long-term: The Department does not foresee any long-term impact on the public.

Because this regulation does not propose any new fees or increases in existing fees; and requires only the reporting of collected data, no methods to decrease adverse effects on business or the public were needed.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There is no additional cost to the Department for the enforcement of the proposed regulations.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The proposed regulations are neither duplicative nor overlapping of federal, state or local standards.

6. If the regulation is required pursuant to federal law, a citation and

description of the federal law.

The proposed regulation is not required pursuant to federal law.

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

The proposed regulations are not more stringent than any federal regulation which regulates the same activity.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

The regulation does not propose any new fees or increases in existing fees.

Persons wishing to comment upon the proposed action of the Department of Motor Vehicles may appear at the scheduled public hearing or may address their comments, data, views, or argument, in written form to:

Molly Lennon, Management Analyst II
E-mail: mlennon@dmv.nv.gov Phone: (775) 684-4960
Nevada Department of Motor Vehicles
Management Services and Programs Division
555 Wright Way, Carson City, NV 89711

Written submission must be received by the Department of Motor Vehicles on or before 5 P.M., Thursday, January 2, 2020. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Motor Vehicles may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted **File No. LCB RO97-19** will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted will be available at each of the Department of Motor Vehicles listed, and at the main public libraries listed, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.stat.nv.us/Register/>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge (NRS 241.020).

Upon adoption of any regulation, the agency, if requested to do so by an interested person either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

Notice of Hearing, Monday, January 6, 2020
to Solicit Comments on Proposed Regulations
Pertaining to AB483 (2019)
Page 5 of 7

This notice of hearing has been posted at the locations listed on the attached page.

Dated: December 5, 2019.

DEPARTMENT OF MOTOR VEHICLES BRANCH OFFICES

Carson City DMV
555 Wright Way
Carson City, NV 89711

Decatur DMV
7070 N. Decatur Blvd.
Las Vegas, NV 89131

Las Vegas DMV (West Flamingo)
8250 West Flamingo
Las Vegas, NV 89147

Reno DMV (Galletti Office)
3052 Galletti Way
Reno, NV 89512-3828

Elko DMV
3920 East Idaho Street
Elko, NV 89801

Henderson DMV
1399 American Pacific Drive
Henderson, NV 89704

Ely DMV
178 Avenue F
Ely, NV 89301

Las Vegas DMV (Sahara Office)
2701 East Sahara
Las Vegas, NV 89104

Fallon DMV
973 West Williams Street
Fallon, NV 89406

Hawthorne DMV
1085 Highway 95
Hawthorne, NV 89415

Donovan DMV
4110 Donovan Way
North Las Vegas 89030

Laughlin DMV
1085 Highway 95
Laughlin, NV 89028

Tonopah DMV
1137 S. Main St. #C-8
Tonopah, NV 89049

Pahrump DMV
1780 E. Basin Avenue, Suite 1
Pahrump, NV 89060

Winnemucca DMV
3505 Construction Way
Winnemucca, NV 89445

Mesquite DMV
550 W Pioneer Blvd #120
Mesquite, NV 89027

Yerington DMV
215 West Bridge Street #9
Yerington, NV 89447

Sparks CDL DMV
810 E Greg Street
Sparks, NV 89431

LIBRARIES

Battle Mountain Branch
625 South Broad Street
PO Box 141
Battle Mountain, Nevada 89820

Carson City Library
900 North Roop Street
Carson City, NV 89701

Churchill County Library
553 South Main Street
Fallon, NV 89406

Douglas County Library
1625 Library Lane
PO Box 337
Minden, NV 89423

Elko County Library
720 Court Street
Elko, NV 89801

Esmeralda County Library
Crook & 4th Street
PO Box 430
Goldfield, NV 89013

Eureka Branch Library
80 South Monroe Street
Eureka, NV 89316

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445

Lincoln County Library
63 Main Street
Pioche, NV 89316

Lyon County Library System
20 Nevin Way
Yerington NV 89447

Mineral County Library
110 1st Street
Hawthorne, NV 89415

Nevada State Library
100 North Stewart Street
Carson City, NV 89701

Pershing County Library
125 Central Avenue
PO Box 781
Lovelock, NV 89440

Story County Library
95 South R Street
Virginia City, NV 89440

Tonopah Public Library
PO Box 449
Tonopah, NV 89049

Washoe County Library System
301 South Center Street
Reno, NV 89501

White Pine County Library
950 Campton Street
Ely, NV 89301

**Public Hearing for the Adoption of Regulations of
The Department of Motor Vehicles
Monday, January 6, 2020, 9:00 A.M.**

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Assembly Bill 483, Chapter 482 Section 2, Subsection 6 of the Nevada Administrative Code.

These regulations are proposed pursuant to AB483 (2019), requiring the Department of Motor Vehicles to adopt regulations to establish procedures for collection of mileage shown on odometers of certain motor vehicles.

AGENDA

1. Open Hearing
2. Presentation, Discussion and Adoption of Proposed Regulation, ***For Possible Action***
 - **LCB File No. R097-19**
3. Public Comment
4. Close Hearing

Note: Items on the agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time

Public comment may be limited to three minutes per speaker and will not be restricted based on viewpoint. Members of the public are encouraged to submit written comments for the record. Due to time considerations, the duration of the hearing may be limited. Reasonable efforts will be made to accept testimony from all participants.

Reasonable efforts will be made to assist and accommodate physically disabled persons desiring to attend the meeting. Please call the contact number listed in this notice so that advance arrangements for attendance may be made.

Supporting materials for this Hearing may be requested from Molly Lennon, Management Analyst II, Management Services and Programs Division, Department of Motor Vehicles, 555 Wright Way, Carson City, NV 89711, by calling (775) 684-4960 or by emailing mlennon@dmv.nv.gov.

Dated: December 30, 2019.

(REGULATIONS ON NEXT PAGE)

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

LCB File No. R097-19

November 26, 2019

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

AUTHORITY: §§1-4, Section 2 of Assembly Bill No. 483, chapter 498, Statutes of Nevada 2019, at page 3000 (NRS 482.2175).

A REGULATION relating to motor vehicles; establishing requirements for the pilot program of the Department of Motor Vehicles to gather data on annual vehicle miles travelled; exempting certain vehicles from the requirements of the pilot program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to conduct a pilot program to gather data on annual vehicle miles traveled and other relevant information for certain motor vehicles registered in this State and to prepare a report using the collected data. Existing law also requires the Department to adopt regulations establishing procedures for implementing the pilot program, including the procedures required for a person to provide to the Department the mileage shown on the odometer of each applicable vehicle and other information as the Department may require. (Section 2 of Assembly Bill No. 483, chapter 498, Statutes of Nevada 2019, at page 3000 (NRS 482.2175))

Section 2 of this regulation establishes definitions for certain categories of motor vehicles for which the annual vehicle miles must be addressed in the report prepared by the Department.

Existing law requires the owners of certain motor vehicles in this State to report the mileage shown on the odometer of the motor vehicle and certain other information required by the Department at the time of initial registration, renewal of registration and transfer of registration. (Section 3 of Assembly Bill No. 483, chapter 498, Statutes of Nevada 2019, at page 3001 (NRS 482.2177)) **Section 3** of this regulation establishes requirements for the reporting of the mileage shown on the odometer of certain motor vehicles at the time of initial registration, renewal or registration or transfer of registration.

Existing law requires the Department to mail to each holder of a certificate of registration a notification for renewal of registration for the following period of registration. (NRS 482.280) **Section 3** provides that the Department will include in the notification a statement describing the procedures for a person to provide the mileage shown on the odometer of the vehicle depending on whether the renewal of registration must be submitted with evidence of compliance with standards for the control of emissions.

Existing law authorizes the Department to exempt certain vehicles from the pilot program as appropriate to avoid undue hardship for the registered owner of a motor vehicle. (Section 2 of Assembly Bill No. 483, chapter 498, Statutes of Nevada 2019, at page 3000 (NRS 482.2175)) **Section 4** of this regulation exempts certain categories of vehicles from the pilot program.

Section 1. Chapter 482 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. 1. *As used in section 2 of Assembly Bill No. 483, chapter 498, Statutes of Nevada 2019, at page 3000 (NRS 482.2175), the Department will interpret the following terms as provided below:*

(a) "Bus" has the meaning ascribed to it in NRS 482.013.

(b) "Heavy-duty motor vehicle" means a truck, not including a passenger car, motortruck or truck-tractor, that has a manufacturer's gross vehicle weight rating of more than 8,500 pounds but less than 26,001 pounds.

(c) "Light-duty motor vehicle" means a truck, not including a passenger car, that has a manufacturer's gross vehicle weight rating of 8,500 pounds or less.

(d) "Motortruck" means a truck, not including a truck-tractor, which:

(1) Is designed, used or maintained primarily for the transportation of property as described in NRS 482.073;

(2) Is not manufactured to tow a trailer; and

(3) Has a manufacturer's gross vehicle weight rating of 26,001 pounds or more.

(e) "Passenger car" has the meaning ascribed to it in NRS 482.087.

(f) "Recreational vehicle" means a vehicular-type unit which is primarily designed as temporary living quarters for travel, recreational or camping use and which is self-propelled.

(g) "Truck-tractor" means every motor vehicle, not including a motortruck, which:

(1) Is designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than the part of the weight of the vehicle and load so drawn; and

(2) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds.

2. As used in this section, "truck" means every motor vehicle which is used for the transportation or delivery of goods with a body built and designed for that purpose.

Sec. 3. 1. *Except as otherwise provided in subsection 4 of section 3 of Assembly Bill No. 483, chapter 498, Statutes of Nevada 2019, at page 3001 (NRS 482.2177) and section 4 of this regulation:*

(a) Each application for the initial registration of any motor vehicle and each application for the transfer of registration pursuant to NRS 482.399 must contain all of the information required by NRS 482.215 to be included in the application, as amended by section 4 of Assembly Bill No. 483, chapter 498, Statutes of Nevada 2019, at page 3002, including, without limitation, the mileage shown on the odometer of the vehicle at the time of application.

(b) Each application for the renewal of the registration of a motor vehicle must contain all information required by chapter 482 of NRS and this chapter to be included in the renewal, including, without limitation, the mileage shown on the odometer of the vehicle at the

applicable time specified in subsection 2 of section 3 of Assembly Bill No. 483, chapter 498, Statutes of Nevada 2019, at page 3001 (NRS 482.2177).

2. If an applicant for the renewal of the registration of a vehicle is required to provide the mileage shown on the odometer of the vehicle pursuant to section 3 of Assembly Bill No. 483, chapter 498, Statutes of Nevada 2019, at page 3001 (NRS 482.2177) and subsection 1, the Department will include with the notification mailed pursuant to NRS 482.280:

(a) A statement which informs the applicant for renewal of the registration of the vehicle that the applicant is required to submit to the Department the mileage shown on the odometer of the vehicle at the time of the application for renewal;

(b) If the applicant is required upon renewal of registration to submit evidence of compliance with standards for the control of emissions pursuant to chapter 445B of NRS, a statement that the mileage shown on the odometer of the vehicle at the time of the inspection must be noted on the evidence of compliance; and

(c) If the applicant is not required upon renewal of registration to submit evidence of compliance with standards for the control of emissions pursuant to chapter 445B of NRS, the manner in which the applicant is required to provide the mileage shown on the odometer of the vehicle at the time of the application for renewal if the renewal application is submitted:

- (1) Through the Internet;*
- (2) Through a kiosk;*
- (3) By mail; or*
- (4) To an agent or office of the Department.*

Sec. 4. 1. *The provisions of section 3 of Assembly Bill No. 483, chapter 498, Statutes of Nevada 2019, at page 3001 (NRS 482.2177) and subsection 1 of section 3 of this regulation, do not apply to a motor vehicle which:*

(a) Is registered as part of a fleet;

(b) Is registered by a short-term lessor;

(c) Is registered to a governmental entity;

(d) Was not equipped with an odometer at the time of manufacture; or

(e) Is listed in subsection 4 of section 3 of Assembly Bill No. 483, chapter 498, Statutes of Nevada 2019, at page 3001 (NRS 482.2177).

2. As used in this section, “fleet” means 10 or more motor vehicles, not including commercial motor vehicles, registered with the Department to the same person or entity and registered on the basis of a calendar year pursuant to NRS 482.206.

**THIS AGENDA AND PROPOSED REGULATIONS HAVE BEEN POSTED
ON OR BEFORE 9:00am ON THE THIRD WORKING DAY BEFORE THE
HEARING AT THE FOLLOWING LOCATIONS:**

DEPARTMENT OF MOTOR VEHICLES BRANCH OFFICES

Carson City DMV
555 Wright Way
Carson City, NV 89711

Decatur DMV
7070 N. Decatur Blvd.
Las Vegas, NV 89131

Las Vegas DMV (West Flamingo)
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Las Vegas, NV 89147

Reno DMV (Galletti Office)
3052 Galletti Way
Reno, NV 89512-3828

Elko DMV
3920 East Idaho Street
Elko, NV 89801

Henderson DMV
1399 American Pacific Drive
Henderson, NV 89704

Ely DMV
178 Avenue F
Ely, NV 89301

Las Vegas DMV (Sahara Office)
2701 East Sahara
Las Vegas, NV 89104

Fallon DMV
973 West Williams Street
Fallon, NV 89406

Hawthorne DMV
1085 Highway 95
Hawthorne, NV 89415

Donovan DMV
4110 Donovan Way
North Las Vegas 89030

Laughlin DMV
1085 Highway 95
Laughlin, NV 89028

Tonopah DMV
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Pahrump DMV
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Winnemucca DMV
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Winnemucca, NV 89445

Mesquite DMV
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Mesquite, NV 89027

Yerington DMV
215 West Bridge Street #9
Yerington, NV 89447

Sparks CDL DMV
810 E Greg Street
Sparks, NV 89431

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Carson City, NV 89701

Churchill County Library
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Fallon, NV 89406

Douglas County Library
1625 Library Lane
PO Box 337
Minden, NV 89423

Elko County Library
720 Court Street
Elko, NV 89801

Esmeralda County Library
Crook & 4th Street
PO Box 430
Goldfield, NV 89013

Eureka Branch Library
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Eureka, NV 89316

Humboldt County Library
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Winnemucca, NV 89445

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Lovelock, NV 89440

Story County Library
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Virginia City, NV 89440

Tonopah Public Library
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Tonopah, NV 89049

Washoe County Library System
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Reno, NV 89501

White Pine County Library
950 Campton Street
Ely, NV 89301