

**PROPOSED REGULATION OF THE
DEPARTMENT OF MOTOR VEHICLES
LCB File No. R045-12**

July 2, 2012

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

AUTHORITY: §§1 and 2, NRS 485.130, 485.313 and 485.314.

A REGULATION relating to motor vehicles; revising the requirements regarding notification to the Department of Motor Vehicles concerning the issuance of, amendment to or termination of a motor vehicle liability policy; revising provisions governing the duty of an insurer to maintain, submit or provide access to the Department to certain records; and providing other matters properly relating thereto.

Section 1. NAC 485.153 is hereby amended to read as follows:

485.153 1. If a motor vehicle liability policy covering a motor vehicle that is required to be registered in this State pursuant to NRS 482.205 is issued, amended or terminated, the owner of the motor vehicle shall notify the Department not later than 7 days after the effective date of the issuance, amendment or termination of the policy.

2. The notice required by subsection 1 must be in the form prescribed by the Department and include, without limitation:

(a) The company code assigned to the insurer by the National Association of Insurance Commissioners or the name of the insurer as it appears on the evidence of insurance provided to the owner by the insurer;

(b) The policy number;

(c) The effective date of the policy or the amendment to the policy;

(d) The expiration or termination date of the policy; and

(e) Any other information required by the Department.

3. ~~An authorized agent of the owner of the motor vehicle may submit, on behalf of the owner, any information required pursuant to this section or any additional information to amend or correct any information previously submitted to the Department pursuant to this section.]~~ *Not later than the seventh day of each month, an insurer shall submit to the Department, in the manner prescribed in the list of specifications published on the Internet website of the Department, a record for each motor vehicle liability policy covering a motor vehicle that is*

required to be registered in this State pursuant to NRS 482.205 that was issued or amended by the insurer during the previous month.

4. If the data file that was submitted by the insurer does not match the published specifications, the data file will be deleted and an electronic mail message will be sent to the submitter. The insurer shall resubmit the data file using the correct specification within five (5) business days after the notification of the deletion of the data file.

Sec. 2. 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]~~ :

(1) Fails to submit records required pursuant to NAC 485.160~~[-485.165]~~ or 485.170~~[-]~~;
(2) Fails to maintain the information required to be included in a record pursuant to NAC 485.155;

(3) Responds to an electronic query from the Department regarding coverage of a vehicle pursuant to NAC 485.157 more than once for the same date with inconsistent information;

(4) Confirms a motor vehicle liability policy which does not meet the requirements set forth in NRS 485.185 or 485.186; or

(5) Violates any other provision of this chapter relating to the maintenance of or access to records pursuant to NRS 485.314,

↳the Department will consider the insurer to be in noncompliance with the provisions of NRS 485.314 ~~[-]~~, *in the manner prescribed in the list of specifications published on the Internet website of the Department*

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, *until the insurer is found to be in compliance with NRS 485.314,* 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. 3. NAC 485.170 is hereby repealed:

~~[485.170 1. If 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.]~~