

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

LCB File No. R158-09

January 13, 2010

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

AUTHORITY: §1, NRS 482.160 and 482.482; §§2 and 5, NRS 706.171; §3, NRS 706.171 and 706.821; §4, NRS 706.171 and section 10 of Assembly Bill No. 372, chapter 128, Statutes of Nevada 2009, at page 467 (NRS 706.192).

A REGULATION relating to motor vehicles; allowing a person who renews the registration of certain vehicles after conviction of an offense relating to vehicle weight to request an adjustment to the declared gross vehicle weight; requiring certain interstate motor carriers to make payment of certain fees to the Department of Motor Vehicles by cash or certified funds; providing the amount and duration of a bond required of certain motor carriers upon a finding of habitual delinquency in payments due the Department; and providing other matters properly relating thereto.

Section 1. Chapter 482 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person who applies to renew the registration of a vehicle that was reregistered pursuant to subsection 7 of NRS 482.482 may request an adjustment to the declared gross vehicle weight. To make such a request, the applicant must provide the Department with:

(a) An affidavit upon a form provided by the Department stating that:

(1) The operations for which the vehicle is used have changed; and

(2) The gross vehicle weight has changed.

(b) Evidence satisfactory to the Department that the statements made in the affidavit required by paragraph (a) are true. Such evidence may include, without limitation:

- (1) Proof of changes in business contracts;*
 - (2) Proof of a change in the combination of vehicles used by the applicant;*
 - (3) Proof of business closure or reorganization; or*
 - (4) Any other proof deemed acceptable by the Department.*
- 2. The Department may deny a request to make an adjustment to the gross vehicle weight if:*
- (a) The applicant has been convicted of two or more violations of NRS 484.744 (NRS 484D.630); or*
 - (b) The Department determines that the applicant submitted false or fraudulent information on the affidavit pursuant to subsection 1 or on the application for registration.*
- 3. In addition to any administrative fines, a person who is convicted of a violation of NRS 484.744 (NRS 484D.630) must also pay any permit fees determined by the Department to be due pursuant to NRS 706.531. The Department will assess any such permit fees from the date of conviction.*

Sec. 2. Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this regulation.

Sec. 3. *An operator of a vehicle that is registered pursuant to NRS 706.801 to 706.861, inclusive, shall pay all fees owed to the Department pursuant to NRS 706.801 to 706.861, inclusive, by cash, cashier's check, money order or traveler's check.*

Sec. 4. *1. If the Department requires a common motor carrier, contract motor carrier or private motor carrier of property to provide a bond pursuant to section 10 of Assembly Bill No. 372, chapter 128, Statutes of Nevada 2009, at page 467 (NRS 706.192), the amount of the bond must be in an amount equal to the greater of:*

(a) The total amount of registration fees imposed for the vehicle or fleet of vehicles of the common motor carrier, contract motor carrier or private motor carrier of property over the immediately preceding 12-month period; or

(b) \$2,500.

2. The bond provided pursuant to section 10 of Assembly Bill No. 372, chapter 128, Statutes of Nevada 2009, at page 467 (NRS 706.192), must be maintained by the common motor carrier, contract motor carrier or private motor carrier of property if the Department finds the common motor carrier, contract motor carrier or private motor carrier of property is habitually delinquent for:

(a) The first time, for 12 months.

(b) The second time, for 24 months.

(c) The third or subsequent time, for 36 months.

3. The Department interprets the term “habitually delinquent,” as used in section 10 of Assembly Bill No. 372, chapter 128, Statutes of Nevada 2009, at page 467 (NRS 706.192), to mean a taxpayer who has a check to the Department returned or fails to remit payment for any amount due the Department pursuant to this chapter by the date required two or more times within any 12-month period.

Sec. 5. NAC 706.140 is hereby amended to read as follows:

706.140 Every common or contract motor carrier shall comply with NAC 706.147 to 706.269, inclusive, *and sections 3 and 4 of this regulation* and shall instruct his employees and agents concerned with the transportation of persons or property by motor vehicle with respect thereto.