

LCB File No. R146-04

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

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

AUTHORITY: NRS 487.XXX

Definitions. As used in NAC 487.XXX through 487.XXX, inclusive, unless the context otherwise requires, the words and terms defined in NAC 487.XXX to 487.XXX, inclusive have the meanings ascribed to them.

1. *“Books and Records” means any document related to the repair of a motor vehicle to include but not be limited to: work orders, estimates, waivers, receipts, statements and invoices, used in the normal course of business by a garage.*

2. *“Garage” means a business establishment, sole proprietorship, partnership, firm, corporation, limited liability company, association or other legal entity that performs any of the following services on motor vehicles:*

(a) Repair of the:

(1) Engine;

(2) Brake system;

(3) Transmission system;

(4) Drivetrain system;

(5) Heating and air-conditioning system;

(6) Cooling system; or

(7) Muffler and exhaust system;

(b) Engine tune up;

(c) Diagnostic testing;

(d) Alignment; or

(e) Oil change and lubrication.

(f) “Garage” does not include a business establishment, sole proprietorship, firm, corporation, association or other legal entity that does not perform services on motor vehicles for members of the general public.

3. *“Garage” means a person who:*

(a) Owns, operates, controls or manages a garage; or

(b) Is authorized to repair motor vehicles at a garage that is owned, operated, controlled or managed by another person.

4. *“Motor vehicle” means:*

(a) A passenger car as defined in NRS 482.087;

(b) A mini motor home as defined in NRS 482.066;

(c) A motor home as defined in NRS 482.071;

(d) A recreational vehicle as defined in NRS 481.011; and

(e) A motortruck as defined in NRS 482.073 if the gross weight of the vehicle is 10,000 pounds or less.

5. *“Statement of charges” means a form or document used by the garage or garageman commonly referred to as a work order or invoice and shall include information required pursuant to NRS 487.035.*

6. *“Waiver” means a form of document separate from the statement of charges, used by the garage or garageman, for the purposes specified in NRS 597.530.*

AUTHORITY: NRS 481.051

NAC 487.200 Imposition and payment of fine; failure to pay fine.

1. Except as otherwise provided in subsection 2, if the department of motor vehicles imposes administrative fines pursuant to the provisions of ~~NRS 487.700~~ **NRS 487.990**, it will impose such fines for violations occurring within the 3-year period immediately preceding the most recent offense according to the following schedule:

- (a) For a first offense, a fine of not less than \$100 nor more than \$500.
- (b) For a second offense, a fine of not less than \$500 nor more than \$1,000.
- (c) For a third offense, a fine of not less than \$1,000 nor more than \$1,500.
- (d) For a fourth or subsequent offense, a fine of not less than \$1,500 nor more than \$2,500.

(e) For a first offense involving victimization of a consumer, a fine of not less than \$100 nor more than \$500 shall be assessed for any violation of NRS 487.035, 487.530 to 487.570 inclusive.

Except as provided in subsection (e), for the purposes of paragraphs (b), (c) and (d), a cease and desist order issued by the department shall be deemed to be a first offense.

2. The department may impose a fine of not less than \$1,500 nor more than \$2,500 for any violation of NRS 487.050, 487.410 487.560 or 487.610.

3. Any person who has been fined pursuant to the provisions of ~~NRS 487.700~~ **NRS 487.990** shall make payment to the department not later than the date specified in the notice of the violation, unless he has requested a hearing pursuant to subsection 1 of that section.

4. Upon the failure of a person to pay a fine imposed pursuant to the provisions of this section when it becomes due, the director may suspend, revoke or refuse to issue any license *or registration* obtained pursuant to the provisions of this chapter.

AUTHORITY: NRS 487.XXX

NAC Garage: Grounds for denial, suspension or revocation of registration.

1. The Department may deny the issuance of, suspend or revoke a registration to engage in the activities of a garage upon any of the following grounds:

- (a) Failure of the applicant to have an established place of business in this state.***
- (b) Material misstatement in the application.***

(c) Willful failure to comply with any of the provisions of the motor vehicle laws of the State of Nevada or the directives of the Director. For the purposes of this paragraph, failure to comply with the directives of the Director advising the registrant of his noncompliance with any provision of the motor vehicle laws of this state or regulations of the Department, within 10 days after receipt of the directive, is prima facie evidence of willful failure to comply with the directive.

- (d) Failure on the part of the registrant to maintain a fixed place of business in this state.***

(e) Failure or refusal by a registrant to pay or otherwise discharge any final judgment against the registrant rendered and entered against him arising out of the repair of a motor vehicle.

(f) Failure of the registrant to maintain any other license or bond required by any political subdivision of this state.

(g) Conviction of the applicant or registrant or an employee of the applicant or registrant of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(h) Willful failure of the applicant or registrant to comply with the motor vehicle laws of this state and NRS 487.035, 487.530 to 487.570, inclusive, or 597.480 to 597.590, inclusive.

(i) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or registrant or an employee of the applicant or registrant.

(j) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or registrant or an employee of the applicant or registrant.

2. The Director may deny the issuance of a registration to an applicant or revoke a registration already issued if the Department is satisfied that the applicant or registrant is not entitled thereto.

AUTHORITY: NRS 482.XXX

487.XX1 Books and records of garages: Location; inspection and copying; retention.

1. A garageman shall keep his books and records for all locations at which he does business within a county at his principal place of business in that county, for a minimum of 1 year after the completion of the work.

2. A garageman shall:

(a) Permit any authorized agent of the Director or the State of Nevada to inspect and copy the books and records during usual business hours; or

(b) Not later than 3 business days after receiving a request from such a person for the production of the books and records or any other information, provide the requested books, records and other information to the person at the location specified in the request.

3. A garageman shall retain his books and records for 1 year after he ceases to be registered as a garage.

AUTHORITY: NRS 487.035

NAC 487.XX3 Statement of Charges Requirements. (NRS 487.035) A garage or garageman, in the normal course of business shall comply with provisions of NRS 487.035, contents, presentation, penalty, liens in every instance where charges for the repairs of a motor vehicle are made: and

1. He may not commence repairs to a motor vehicle until such time he has provided the person authorizing or requesting the repairs with a written estimate of cost pursuant to NRS 597.510, or obtained a waiver of written estimate pursuant to NRS 597.530, and obtained the signature of the person authorizing or requesting the repairs on the statement of charges.

NAC 487.XX4 Estimate of Cost for Repairs. (NRS 597.510)

1. Unless the person authorizing or requesting repairs has provided the garage or garageman with a signed waiver, pursuant to NRS 597.530, waiving their right to an estimate of cost required for certain repairs, the garageman shall provide a written estimate to the person authorizing or requesting the repairs.

(a) The waiver described in section 1 shall be on a form separate from the statement of charges and printed in a 10 point font or larger.

NAC 487.XX5 Notice of Additional Charges over Estimate; Contents; Presentation.

1. Except as otherwise provided in subsection 2, when the cost of repairs exceed the written estimate by 20 percent or \$100, whichever is less, a garageman shall comply with the provisions of NRS 597.520.

(a) The notice shall be provided in writing prior to the commencement of additional repairs.

2. The person authorizing or requesting repairs may provide the garageman with a waiver pursuant to NRS 597.530, removing the garageman's responsibility to provide written notice of additional charges specified in section 1. The waiver does not remove the garageman's responsibility to provide verbal notice of the additional charges in person, or by telephone or by other electronic means, unless this form of notification is also waived.

3. The waiver described in section 1 may be included on the original estimate or on a separate form containing the waiver specified in section 1 of NAC 487.XX4.

4. The waiver shall contain a statement printed in 10 point font or larger, specifying whether or not the person providing the waiver:

(a) Waives his right of written notice of additional charges; or

(b) Waives his right of any notification of additional charges; or

(c) Will accept verbal, electronic or facsimile notification of additional charges.

5. If applicable, the waiver obtained pursuant to section 2 must be obtained prior to commencement of work performed for additional repairs.