

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

LCB File No. R018-15

Effective December 21, 2015

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

AUTHORITY: §§1 and 2, NRS 445B.785.

A REGULATION relating to vehicle emissions; revising provisions relating to the testing of vehicle exhaust emissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain vehicles to operate within designated exhaust emission standards and requires certain vehicles to be tested and certified annually at a station licensed by the Department of Motor Vehicles. (Chapter 445B of NRS) Existing regulations authorize the Department to grant licenses to certain governmental entities for the purpose of testing and certifying vehicles owned and operated by those governmental entities. Existing regulations also exempt the holders of such a license from certain requirements, including the requirement to obtain a waiver from the Department for certain noncompliant vehicles. (NAC 445B.461)

Section 1 of this regulation removes this exemption.

Existing regulations require vehicles operated on certain federal installations located within an area requiring a program for inspection to have their exhaust emissions inspected and certified annually, except for certain vehicles specifically exempted by regulation. (NAC 445B.595) **Section 2** of this regulation removes an exemption for vehicles operated by certain federal employees or military personnel who are visiting a federal installation for 60 days or less during a calendar year.

Section 1. NAC 445B.461 is hereby amended to read as follows:

445B.461 1. A license may be issued to the Federal Government or any state agency or political subdivision of the State to inspect motor vehicles owned by the Federal Government, the State or the political subdivision for the purpose of compliance with NAC 445B.400 to 445B.735, inclusive.

2. The Federal Government or any state agency or political subdivision, in complying with NAC 445B.400 to 445B.735, inclusive, shall submit to the Department annually a list, in a form prescribed by the Department, of those motor vehicles which are assigned license plates issued by the Department as described in NRS 482.368.

3. The holder of a license issued pursuant to subsection 1 is exempt from the requirements set forth in the following sections for the limited purposes indicated:

(a) Bond, NAC 445B.465;

(b) Evidence of compliance, NAC 445B.583 to 445B.586, inclusive; *and*

(c) Sign, NAC 445B.469 . ~~†; and~~

~~—(d) Use of waiver, NAC 445B.590.†~~

Sec. 2. NAC 445B.595 is hereby amended to read as follows:

445B.595 1. Motor vehicles owned by the State or any of its political subdivisions which are provided distinguishing license plates issued by the Department must be inspected and certified annually if they are based in those areas where a program for the inspection of exhaust emissions has been put into effect.

2. Motor vehicles operated on federal installations located within an area requiring a program for the inspection of exhaust emissions must be inspected and certified annually. The provisions of this subsection:

(a) Apply to all motor vehicles which are owned, leased or operated by an employee of, or military personnel stationed at, a federal installation;

(b) Apply to all motor vehicles which are owned, leased or operated by any agency of the Federal Government on a federal installation; *and*

(c) Do not apply to tactical military vehicles operated on a federal installation . ~~†; and~~

~~—(d) Do not apply to motor vehicles which are owned, leased or operated on a federal installation by visiting federal employees or military personnel when the visit does not exceed 60 days within any 1 calendar year. A federal installation shall annually submit to the Department evidence showing that it has complied with the provisions of this subsection, in a form prescribed by the Department.]~~

**INFORMATIONAL AND SMALL BUSINESS IMPACT STATEMENT OF ADOPTED
REGULATIONS AS REQUIRED BY
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066 LCB FILE NO. R018-15**

October 28, 2015

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 445B:

1. A clear and concise explanation of the need for the adopted regulation.

Existing law (Chapter 445B of NRS) requires certain vehicles to operate within designated exhaust emission standards and requires certain vehicles to be tested and certified annually at a station licensed by the Department of Motor Vehicles. Existing regulations authorize the Department to grant licenses to certain governmental entities for the purpose of testing and certifying vehicles owned and operated by those governmental entities while exempting the holders of such license from certain requirements. Updating this regulation removes the exemption to obtain a waiver from the Department for certain noncompliant vehicles.

Existing regulations also require vehicles operated on certain federal installations located within an area requiring a program for inspection to have their exhaust emissions inspected and certified annually, except for certain vehicles specifically exempted by regulation.

Updating this regulation will remove an exemption for vehicles operated by certain federal employees or military personnel who are visiting a federal installation for 60 days or less during a calendar year.

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

Copies of the proposed regulation, notices of workshop and notices of intent to act upon the regulations were sent out for posting by electronic mail to all DMV offices and county libraries where there is not a DMV office. They were also made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm.

Small businesses were notified along with the general public and large businesses as described above. Comments from all parties are summarized below.

A Public Workshop was noticed on July 13, 2015, and held on September 2, 2015, at the Legislative Counsel Bureau (LCB) in Carson City and video-conferenced to the Legislative Counsel Bureau (LCB) in Las Vegas. No members of the public attended. No testimony was given and the workshop was closed. The DMV did not receive written comments.

Notice of Public Hearing was noticed on July 13, 2015, and a public hearing was held on September 3, 2015. No members of the public attended. No testimony was given and the hearing was closed. No written comments were received.

A recording of the Public Workshop and Public Hearing is on file at the Department of Motor Vehicles, Compliance Enforcement Division, 555 Wright Way, Carson City, Nevada 89711. Copies of this summary may be obtained by written request to Morgan Friend, Department of Motor Vehicles, Compliance Enforcement Division, 555 Wright Way, Carson City, Nevada, 89711.

3. The number of persons who:
 - (a) Attended the workshop; 6
In attendance in Carson City -3
Ivie Hatt, Department of Motor Vehicles
Glenn Smith, Department of Motor Vehicles
Laurie Vandebrake, Department of Motor Vehicles

In attendance in Las Vegas -3
Allan Lal, Department of Motor Vehicles
Robin Roques, Department of Motor Vehicles
Mary Carbajal, Department of Motor Vehicles
 - (b) Testified at the workshop; 0
 - (c) Submitted to the agency written statements; 0
 - (d) Attended the hearing; 5
In attendance in Carson City -2
Ivie Hatt, Department of Motor Vehicles
Laurie Vandebrake, Department of Motor Vehicles

In attendance in Las Vegas -3
Allan Lal, Department of Motor Vehicles
Robin Roques, Department of Motor Vehicles
Mary Carbajal, Department of Motor Vehicles
 - (e) Testified at the hearing - 0
 - (f) Submitted to the agency written statements -0
4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information (if provided to the agency conducting the hearing):
 - (a) Name
 - (b) Telephone number;
 - (c) Business address;
 - (d) Business telephone number;

- (e) Electronic mail address; and
 - (f) Name of entity or organization represented.
5. 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 small and large businesses using electronic mail and postings as described in Question 1 for both the Workshop and the Hearing. There were no comments during the workshop or the hearing. Copies of the summary may be obtained by written request to Morgan Friend, Department of Motor Vehicles, Compliance Enforcement Division, 555 Wright Way, Carson City, Nevada 89711.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

No changes were made as no public comment was received.

7. 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 on affected businesses.

Once implemented, governmental entities will no longer be required to obtain a waiver for certain noncompliant vehicles that are required by regulation to be tested and certified annually. Additionally, motor vehicles owned, leased or operated on a federal installation by visiting federal employees or personnel will no longer be required to submit evidence of compliance to the Department. Adversely, any new residents, permanently assigned to a facility will be required to obtain a Nevada license plate and adhere to smog regulations.

Updating this regulation should have no effect on the general public and should have no adverse financial effect on the public.

- (b) Both immediate and long-term effects.

Once implemented, governmental entities will immediately be able to operate without submission of additional waivers for non-compliant vehicles or submission of evidence of compliance for non-residential federal employees or personnel. This will allow for governmental entities to meet regulations more quickly. This effect will continue into the future with no effect to the Department.

8. The estimated cost to the agency for enforcement of the adopted regulation.

No additional costs to the agency are anticipated for the enforcement of the adopted regulations.

9. 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, the name of the regulating federal agency.

There are no other state regulations that are duplicated or overlapped by the update of this regulation.

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

The update to this regulation is not more stringent than federal regulations.

11. 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.

The update to this regulation does not provide new fees or increases in any existing fees.