

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE NO. R097-19
01/15/2020

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 482.

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

Pursuant to Assembly Bill 483, the Department is required to adopt regulations to establish the procedures for collecting mileage shown on odometers of certain motor vehicles in order to compile a report of annual miles traveled by vehicle body type, weight, and fuel type. Collection of the odometer readings became effective 10/1/2019. The report is required to be submitted to the Chairs of the Growth & Infrastructure Committees and the Legislative Council Bureau every six (6) months beginning 1/1/2020. The Department is to provide exemptions to the procedure to avoid undue hardship for a registered owner of a motor vehicle required to report the mileage.

The adopted regulation provides clear definitions of vehicles and/or groups of vehicles who must report odometer readings. The adopted regulation also provides body type definitions which support the mileage report parameters outlined in AB483.

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

Pursuant to NRS 233B.061.2 the Department provided 15 days' notice of public workshop posted August 19, 2019 at the Nevada State Legislative Building in Carson City, video-conferenced to the Grant Sawyer Building in Las Vegas and Great Basin College in Elko as well as streamed live on the internet. The Department drafted regulation language and conducted the public workshop on September 3, 2019. Proposed changes to regulations were reviewed and the Department filed emergency regulations effective October 1, 2019.

Permanent regulations were submitted to the Legislative Council Bureau on October 28, 2019. Revisions were received and pursuant to NRS 233B.060.1 the Department reviewed the requested revisions and provided 30 days' notice of public hearing posted December 5, 2019. The Department conducted the public hearing on January 6, 2020 in the same locations as the workshop by video-conference and streamed live on the internet.

Public response during the workshop included concerns regarding the conclusion of the mileage pilot, how the data would be used and whether it would be used to

justify additional taxes or fees. A negative impact was being anticipated on the general public who is on a fixed income, and concerns with language used in the proposed regulations needing clarification for public knowledge were recommended. Public workshop comment was received via in person testimony.

Public response during the hearing included the same concerns presented at the public workshop, in addition to the impact on small business' and volunteer drivers. Small business industry is anticipating negative impact in the future if the data from the mileage gathering pilot is used to justify additional taxes and fees. Suggestions included a revision to the proposed regulations fleet definition. Recommendations included broadening the definition to include exempting all business from report odometer readings. Public hearing comment was received via written comment and in person testimony. Additional support for exempting businesses from reporting was received in writing.

Recordings, minutes including summary of public response, and public notices are on file at the Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, NV 89711. Copies of the minutes may be obtained by written request to Attention: Molly Lennon, Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, NV 89711.

3. The number of persons who:

(a) Attended the hearing:

- 1. In attendance in Carson City _5_**
- 2. In attendance in Las Vegas _4_**
- 3. In attendance in Elko _2_**

(b) Testified at the hearing

- 1. Testified in Carson City _0_**
- 2. Testified in Las Vegas _3_**
- 3. Testified in Elko _0_**

(c) Submitted to the agency written statements

- 1. Submitted Written Statements _16_**

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and

name of entity of organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.

- 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.**

It was determined the proposed regulations will have no impact on businesses which would not apply to the general public. Comment was solicited from businesses in the same manner as the general public as indicated in #2. Summary and explanation on how to obtain a copy is listed in #2.

- 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.**

Following the hearing, it was determined the regulations would be adopted without changing any part of the proposed regulation. Revisions will not be made to the definition of fleet and exemptions will not include all businesses as requested by in person and written testimony. The intention is for these mileage reports to be reviewed by the Legislative Committee on Energy to assist in future decision making regarding the funding of Nevada Highways. These suggestions present issues with reporting including extensive programming, large reduction in quantity and quality of mileage data collected. Changes to the exemptions would also result in direct conflict with the intent of AB483 to collect business miles travelled, including intrastate (Nevada Only) commercial motor vehicles registered by Nevada businesses.

- 7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

(a) Business:

- i. There are no adverse economic effects of these regulations. The beneficial effect will be to identify certain business that will be exempted from the mileage reporting requirements to avoid undue hardship on those businesses that may cause a financial burden in the collection efforts.
- ii. There are no immediate or long-term economic effects.

(b) Public:

- i. There are no adverse economic effects of these regulations. The beneficial economic effect will be to identify certain vehicles that will be exempted from the mileage reporting requirements to avoid undue hardship on the public that may cause a financial burden in the collection efforts.

ii. There are no immediate or long-term economic effects.

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

The agency has absorbed the cost for the enforcement of the adopted regulation within existing resources.

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.

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

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 proposed regulations are not more stringent than federal, state or local standards.

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

EXHIBIT A

In Attendance in Carson City, Las Vegas or Elko:

Jimmy	Lau	jimmy@ferraripu.com	Carson City	702-927-3742	FPA/Nevada Contractors Association
Sean	Sever	ssever@dmv.nv.gov	Carson City	775-684-4562	DMV
Andy	Mackay	amackay@nfada.net	Carson City	775-331-6884	NV Franchised Auto Dealers Association
James	Weston	jweston@rtc.washoe	Carson City	775-335-1915	Washoe RTC
Jeanette	Belz	jb@jkelz.com	Carson City	775-329-0119	NV Chapter AGC
Cody	Cunningham	cagefight702@gmail.com	Las Vegas	702-269-9194	Citizen
Marlenne	Rendon	mrendon101590@gmail.com	Las Vegas	702-979-8744	Citizen
Warren	Hardy	warren@hardystrategies.com	Las Vegas	702-408-6666	Nevada Pic-a-Part
Denise	May		Las Vegas	702-722-8489	DocPhil35
Holly	Paterson	hpaterson@dmv.nv.gov	Elko	775-753-1168	DMV
Shalee	Leshner	slesher@dmv.nv.gov	Elko	775-753-1168	DMV

Written Comments Received:

Donna	Fortune	dfortune@aol.com	Dayton		Citizen
Brian Edward	Thiessen	mxjunky774@gmail.com			Citizen
Nancy	Loudermilk	nloudermilk@mecum.com	Walworth, WI	615-939-2717	Mecum Auction, Inc.
Cassandra	Peat	cjorn1496@gmail.com	Stagecoach		Citizen
Robert	Buckner	buckner3850@comcast.net	Sparks		Citizen
Ken	Barnes	lobocop985@yahoo.com	Silver Springs		Citizen
David	Holloway	cagefight702@gmail.com			Citizen

Written Comments Received Cont'd:

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Wendy	Grillett	wendyg@tmcwest.com		702-873-6849	Theming & Millwork Concepts, Inc.
Dakota	Whidden	dakota.whidden@live.com			Citizen
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