

**ADOPTED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R039-11

Effective October 26, 2011

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

AUTHORITY: §§1 and 2, NRS 445B.210, 445B.760, as amended by section 5 of Assembly Bill No. 2, chapter 275, Statutes of Nevada 2011, at page 1530, 445B.770 and 445B.825.

A REGULATION relating to motor vehicles; revising provisions concerning the applicability to certain older motor vehicles of certain standards for emissions from internal combustion engines; and providing other matters properly relating thereto.

Section 1. NAC 445B.6115 is hereby amended to read as follows:

445B.6115 The provisions of NAC 445B.575 to 445B.601, inclusive, do not apply to a motor vehicle ~~[that is certified as a restored vehicle by the Department pursuant to NAC 445B.6125.]~~ *for which special license plates have been issued pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 if the owner of the motor vehicle certifies, pursuant to NRS 445B.760, as amended by section 5 of Assembly Bill No. 2, chapter 275, Statutes of Nevada 2011, at page 1530, that the vehicle was not driven more than 5,000 miles during the year immediately preceding the date of the certification.*

Sec. 2. NAC 445B.6125 is hereby repealed.

TEXT OF REPEALED SECTION

445B.6125 Certification of vehicle for exemption. (NRS 445B.210, 445B.760, 445B.770, 445B.825) The Department may certify a motor vehicle as a restored vehicle if the motor vehicle:

1. Is licensed pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816;
2. Does not emit smoke;
3. Has an engine that complies with the standards for emissions set forth in NAC 445B.596 for the model year of the motor vehicle as determined by a two-speed emissions test conducted by the Department pursuant to NRS 445B.798 or conducted at an authorized station or authorized inspection station; and
4. Has been certified upon each annual registration required pursuant to NRS 482.205 to have been driven not more than 2,500 miles since the immediately preceding annual registration, if any.

Permanent Regulation - Filing Statement

Nevada Division of Environmental Protection Bureaus of Air Pollution Quality Planning

Legislative Review of Adopted Regulations as Required
by Administrative Procedures Act, NRS 233B.066 & 233B.0603.10(f)

State Environmental Commission (SEC) LCB File R039-11

Motor Vehicle Emissions Inspection and Maintenance Program: Nevada Revised Statutes (NRS) 445B.760 establishes the authority for the State Environmental Commission (SEC) to prescribe standards for emissions from mobile internal combustion engines. The authority under this section includes the authority to provide exemptions from such standards for certain older vehicles with special license plates.

This regulation amends the motor vehicle emissions inspection and maintenance program. Specifically, the amendments to NAC 445B.6115 allow vehicles that have been issued special license plates to forgo emissions testing requirements.

The changes to the motor vehicle emissions inspection program align the regulations with changes recently made in the statute. AB2 was passed by the 2011 Nevada Legislature and requires that an exemption from the emissions testing program be provided to vehicles which are being issued one of these special license plates.

The categories receiving the exemption are, Antique Vehicles, Street Rods, Classic Rods, and Classic Vehicles, as defined by NRS 482.381, 482.3812, 482.3814, and 482.3816 respectively. The regulation allows the exemption to be granted only if the owner certifies that the vehicle was not driven more than 5000 miles annually.

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

The Nevada Department of Motor Vehicles (DMV) held a regulatory workshop for this regulation on September 07, 2011 in Carson City; the workshop was also videoconferenced to Las Vegas (i.e., to NDOT's facility at 123 E. Washington Ave.).

Following the workshop, the SEC held a regulatory hearing on October 5th, 2011. The hearing was held in Reno at the Nevada Dept. of Wildlife, 1100 Valley Road. A public notice and agenda for the SEC regulatory hearing was posted at the meeting location, at the State Library in Carson City, and at the Offices of the Division of Environmental Protection in Carson City and Las Vegas. Copies of the agenda, the public notice, and the proposed regulation were also made available to all public libraries throughout the state as well as to individuals on the SEC electronic and ground-based mailing lists.

The public notice was also published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory hearing. Other information about the regulation was also made available on the SEC website at: http://sec.nv.gov/main/hearing_1011.htm

2. The number of persons who attended the SEC Regulatory Hearing:

- (a) Attended October 5, 2011 hearing: 20 (approx.)
- (b) Testified on this Petition at the hearing: 1 (1 DMV)
- (c) Submitted to the agency written comments: 0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected industry and responded to through e-mail and telephone exchanges. Comments were also solicited at the public workshops indicated in number 1 above.

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

The regulation was adopted without changes.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

See #9 bellow

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

There will be no additional staff time required for the Nevada Division of Environmental Protection to implement the requirements in the amended regulations. It will be necessary for DMV to make modifications to registration and emission testing software to accommodate the changes.

7. A description of any regulations of other state or government agencies which 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.

This regulation does not duplicate any other federal, state or local regulation.

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

The regulation is not more stringent than any federal regulation or guidance.

9. 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.

Individuals that register their vehicles with these special license plates in Clark and Washoe Counties will still be subject to paying the \$6.00 emissions certificate fee for the first issuance of the plates, but will not have to pay the inspection service fee. No annual certificate or inspection fees will be charged after the first issuance of the plates. Fees are stipulated in the statute and not addressed in regulation.