

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

LCB File No. R065-05

Effective September 1, 2006

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

AUTHORITY: §§1-3, 5, 6 and 8-10, NRS 445B.785; §4, NRS 445B.785 and 445B.830; §7,
NRS 445B.785 and 445B.790.

A REGULATION relating to vehicle emissions; revising the provisions governing the operation of certain test stations; revising the provisions governing bonds and deposits applicable to certain test stations; and providing other matters properly relating thereto.

Section 1. NAC 445B.460 is hereby amended to read as follows:

445B.460 1. No person may engage in the business of issuing evidence of compliance unless he holds a current license to operate a test station at an established place of business and holds one or both of the ratings set forth in subsection 3.

2. A license that:

(a) Was issued for a test station before September 25, 1998, expires on September 30 of each calendar year.

(b) Is issued on or after September 25, 1998, expires 1 year after the last day of the month in which the license was originally issued.

3. A test station must obtain from the Department:

(a) A “G” rating if it will be testing the exhaust emissions of gasoline-powered motor vehicles. A test station with a “G” rating shall, when conducting inspections of motor vehicles subject to the provisions of NAC 445B.580, use an exhaust gas analyzer that complies with the

equipment specifications published by the Department for this rating and at least one approved inspector who has a “G” rating to perform the exhaust emissions tests.

(b) A “D” rating if it will be testing the exhaust emissions of light-duty diesel motor vehicles. A test station with a “D” rating shall, when conducting inspections of motor vehicles subject to the provisions of NAC 445B.589, use ~~[an exhaust gas analyzer that complies]~~ *a dynamometer and a smoke opacity meter that comply* with the requirements of NAC 445B.587 and at least one approved inspector who has a “D” rating to perform the exhaust emissions tests.

4. A facility which holds a license as an authorized inspection station or class 1 fleet station :

(a) *Except as otherwise provided in this subsection,* may test exhaust emissions but shall not , *unless specifically authorized by the Commission,* perform any installation, repair, diagnosis or adjustment to ~~[devices that affect]~~ *any component or system of a motor vehicle that affects* exhaust emissions . ~~[except:~~

~~—(a) The changing of oil;~~

~~—(b) The replacement of]~~

(b) *May:*

(1) *Change oil;*

(2) *Replace* an oil filter, air filter, fuel filter, *external conventional or serpentine accessory drive* belt or *cooling system* hose; and

~~[(e)]~~ (3) With regard to a vehicle with a model year of 1980 or older which has not failed its most recent exhaust emissions test administered in this State:

~~[(1) The replacement of]~~

(I) *Replace* the spark plugs, secondary cables for the spark plugs, distributor cap, rotor, points or condenser of the vehicle; and

~~[(2) The adjustment of]~~

(II) *Adjust* the dwell and initial ignition timing of the engine of the vehicle, and the settings for idle speed if those settings are accessible.

(c) With regard to a vehicle with a model year of 1981 or newer, shall not perform any service or diagnostic action which has a direct effect on data stored in the vehicle computer which monitors how the engine, transmission or emission control system is operating, including, without limitation, the clearing of diagnostic trouble codes relating to the engine, transmission or emission control system.

5. An authorized inspection station shall not advertise any services which it provides for the testing of exhaust emissions with any services described in *subparagraph (3) of* paragraph ~~[(e)]~~ *(b)* of subsection 4 that the authorized inspection station also provides.

6. A person licensed to operate a test station shall not own or hold any ownership interest ~~[(whatsoever)]~~ in any business which manufactures, sells, repairs, rents or leases ~~[(any)]~~ exhaust gas analyzers approved by the Department for the testing of exhaust emissions.

7. A person or business which manufactures, sells, repairs, rents or leases ~~[(any)]~~ exhaust gas analyzers approved by the Department for the testing of exhaust emissions shall not own or hold any ownership interest ~~[(whatsoever)]~~ in any business licensed to operate a test station.

8. An authorized inspection station or class 1 fleet station must not be located immediately adjacent to any business which ~~[(services or repairs motor vehicles)]~~ *performs any installation, repair, diagnosis or adjustment of a component or system of a motor vehicle that affects exhaust emissions* unless:

- (a) The facility for the station is physically separated from the adjacent facility;
- (b) The facility for the station and the adjacent facility have separate entrances for customers and do not share any common doors or entries between the facilities;
- (c) The adjacent facility has no access to the physical space in which testing occurs at the facility for the station;
- (d) No employee of the adjacent facility is employed by the station; and
- (e) The facility for the station and the adjacent facility have separate mailing addresses.

9. A facility that holds a license as an authorized inspection station or class 1 fleet station may perform the servicing of a fuel injection system only by using a method that:

- (a) Utilizes a cleaning solvent for the fuel system that is registered as a fuel additive with the United States Environmental Protection Agency in accordance with the requirements of 40 C.F.R. Part 79;
- (b) Introduces the cleaning solvent into the fuel tank and no other portion of the vehicle's fuel system or air intake system; and
- (c) Does not involve the dismantling, removal or adjustment of any portion of the fuel system or air intake system other than the fuel inlet cap.

Sec. 2. NAC 445B.465 is hereby amended to read as follows:

445B.465 1. Before a license for an authorized station or authorized inspection station is furnished to any person, the Department will require that the applicant procure and file with the Department a good and sufficient bond in the amount of \$1,000 for an authorized station or authorized inspection station. Each bond must have a corporate surety thereon that is licensed to do business within this State and must be approved as to form by the Attorney General. In lieu of the ~~foregoing~~ **bond**, an applicant may place on deposit with the Department:

(a) Cash;

(b) A bond issued by the United States; or

(c) A savings certificate in an amount equal to the bond requirement for the applicant and conditioned that the applicant conducts his business as an authorized station or authorized inspection station without fraud or fraudulent representation and without violation of the provisions of chapters 445A, 445B and 598 of NRS or NAC 445B.400 to 445B.735, inclusive.

2. The Department may require an increase in the amount of the bond or deposit of a particular licensee if the Department deems it to be necessary and in the public interest.

3. The undertaking in the bond or deposit must include, without limitation, any fraud or fraudulent representation or violation of any of the provisions of chapters 445A, 445B and 598 of NRS and NAC 445B.400 to 445B.735, inclusive, by any approved inspector or employed agent for or on behalf of the authorized station or authorized inspection station.

4. The bond or deposit must provide that any person , *including, without limitation, the Department*, injured by the action of the licensee or employee acting on behalf of the licensee in violation of any provisions of chapters 445A, 445B and 598 of NRS and NAC 445B.400 to 445B.735, inclusive, may bring an action on the bond.

5. Any money received by the Department pursuant to this section will be deposited with the State Treasurer for credit to the Pollution Control Account.

Sec. 3. NAC 445B.468 is hereby amended to read as follows:

445B.468 ~~[A]~~

1. Except as otherwise provided in subsection 2, a bond which is filed or a deposit which is made with the Department pursuant to NAC 445B.465 *before September 1, 2006*, covers all

authorized stations and authorized inspection stations owned by a person if all of his places of business are located in the county where his principal place of business is located.

2. Each authorized station or authorized inspection station initially licensed on or after September 1, 2006, and each existing authorized station or authorized inspection station subject to any change of licensing information on or after September 1, 2006, must file a bond or make a deposit with the Department pursuant to NAC 445B.465.

Sec. 4. NAC 445B.469 is hereby amended to read as follows:

445B.469 1. An authorized station or authorized inspection station shall post, in ~~fa conspicuous place in the~~ *an area of the station that is accessible to and frequented by the public, all* station signs or placards provided by the Department which:

(a) Set forth the fee for the emission control test;

(b) Set forth the fee for each vehicle inspection report number issued; and

(c) Provide information regarding the program of this State for the inspection and maintenance of motor vehicles.

2. In addition to the requirements of subsection 1, an authorized station shall post, in ~~fa conspicuous place in the~~ *an area of the station that is accessible to and frequented by the public, all* station signs or placards provided by the Department which set forth the hourly labor rate charged by the authorized station.

3. An authorized station or authorized inspection station shall display at least one outdoor sign provided by the Department which is posted so that it is visible from the middle of the nearest roadway adjacent to the station.

4. For each sign posted by an authorized station or authorized inspection station that is provided by the Department, the Department will collect from the authorized station or

authorized inspection station a fee based upon the actual costs incurred by the Department to produce the sign. The fee will be returned if the sign is returned to the Department in a reusable condition.

5. An authorized station or authorized inspection station shall pay the costs of repairing and maintaining signs which are in its control.

Sec. 5. NAC 445B.470 is hereby amended to read as follows:

445B.470 1. The license to operate a test station and all licenses issued to approved inspectors must be displayed in a conspicuous place under glass or other transparent material *at a height of not less than 4 feet and not more than 6 feet* within *an area of* the test station ~~that~~ *that is accessible to and frequented by customers.*

2. Except as otherwise provided in subsection 3:

(a) A test station shall keep the operator's manual for its exhaust gas analyzer readily available to the approved inspector.

(b) A test station shall have readily available to the approved inspector a reference manual or equivalent information stating the emissions devices which are required by state and federal law to be installed on each type of motor vehicle that is inspected. The owner of the test station or his designee shall, upon the request of a representative of the Department, demonstrate the availability of the reference manual or equivalent information by accessing the manual or information.

(c) An authorized station or class 2 fleet station shall have readily available to the class 2 approved inspector reference information in the form of printed or electronic media explaining the operation and maintenance of the emissions devices which are required by state and federal law to be installed on each type of motor vehicle. The owner of the test station or his designee

shall, upon the request of a representative of the Department, demonstrate the availability of the reference information:

(1) If a telephone or facsimile transmission is not required to access the reference information, by accessing the reference information; and

(2) If the reference information is accessible only through the use of a telephone or facsimile transmission, by using the telephone or facsimile transmission to obtain and provide to the representative of the Department one copy of the reference information.

3. A fleet station is not required to maintain the specifications or instructions of the manufacturer for any motor vehicles other than those motor vehicles used and serviced by the fleet station.

Sec. 6. NAC 445B.471 is hereby amended to read as follows:

445B.471 1. A test station shall not intentionally publish, display or circulate any advertising which is misleading or inaccurate in any material manner or misrepresent any of the services rendered to the public.

2. A test station shall not deceive a member of the public by misrepresenting the cost for any service rendered. Any advertisement, promotional material or coupon published by or on behalf of a test station that contains any reference to price or waiver of charges must clearly set forth the total dollar amount to be paid by the customer in print that is comparable in size and style to all other print in the advertisement, promotional material or coupon where price or waiver of charges is discussed. If a test station offers any service for no charge, it must specify, in print that is comparable in size and style and is located immediately adjacent to the print which states there is no charge, whether any costs will be incurred by the customer and for what reason. A test station may not use abbreviations of terms peculiar to the emissions industry in its

advertising. The Department will consider advertising to be deceptive if an ordinary and reasonable customer with no experience in the control of emissions could not understand the advertisement.

3. The Department will provide a ~~brochure~~ *pamphlet* for distribution to the general public, *and may also provide informational material available by electronic media*, which will explain the reasons and methods for the emission control inspection.

Sec. 7. NAC 445B.472 is hereby amended to read as follows:

445B.472 1. Each test station shall maintain and have available for collection, records of all inspections and repairs, as may be applicable, for evaluation of the information at the request of the Department.

2. ~~The~~ *Except as otherwise provided in subsection 3, the* principal portion of the established place of business of a test station must be open to inspection ~~during usual business hours~~ *by any authorized agent of the Department during regular business hours as set forth in NAC 445B.480.*

3. *The Department may grant an exception to the requirement set forth in subsection 2 for good cause shown upon a request submitted to the Department by a test station in writing or by electronic mail.*

4. A representative of the Department will perform an audit of all exhaust gas analyzers located at a test station a minimum of once every calendar month.

~~4.~~ 5. A representative of the Department will perform an accuracy audit using specialty gas specifically designed for that purpose on all exhaust gas analyzers located at a test station a minimum of once every quarter in each calendar year.

Sec. 8. NAC 445B.473 is hereby amended to read as follows:

445B.473 The holder of a license for a test station or his agent shall ~~notify~~ :

1. Notify the Department within 24 hours after a ~~certificate of compliance~~ vehicle inspection report has been ~~lost or stolen~~ wrongfully distributed or received.

2. Maintain an inventory of vehicle inspection reports to ensure that none have been lost, stolen or wrongfully distributed or received.

Sec. 9. NAC 445B.480 is hereby amended to read as follows:

445B.480 *1.* A test station ~~must~~ *shall post and* adhere to regular business hours and ~~must~~ test any motor vehicle presented at its facility during ~~such~~ *those* hours, except as otherwise provided in NAC 445B.478 or unless the motor vehicle is rejected for reasons of safety.

2. For the purposes of this section, regular business hours are Monday through Friday from 8 a.m. to 5 p.m. except on the holidays set forth in NRS 236.015.

3. For an authorized station or an authorized inspection station operated by a single employee, a notification indicating at what time the employee will return must be posted at the test station for any instance of business closure.

Sec. 10. This regulation becomes effective on September 1, 2006.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R065-05**

The Department of Motor Vehicles submits the following statement. The Department adopted regulations assigned LCB File R065-05, which pertain to Chapter 445B of the Nevada Administrative Code, a regulation relating to pollution; Revises provisions governing operation of, and bonds and deposits applicable to, certain test stations

Workshop Notice date: 06/20/2005

Workshop dates: Tuesday, 07/12/2005
3:00 PM
Community College of
Southern Nevada
Bldg B, Room 140
3200 Cheyenne Ave
Las Vegas, NV 89030

Tuesday, 07/26/2005
3:00 PM
South Valley's Library
Diamond Room
15650A Wedge Pkwy
Reno, NV 89511

Hearing Notice date: 10/25/2005

Hearing dates: Tuesday, 11/29/2005
1:15 PM
Washoe Co Library
1125 12th Street
Sparks, Nevada 89431

Thursday, 12/01/2005
1:15 PM
Clark County Library
Jewelbox Theatre
1401 E Flamingo Rd
Las Vegas, NV 89119

Date of adoption by agency: May 4, 2006

Filing Date: June 1, 2006

INFORMATIONAL STATEMENT

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

The Department of Motor Vehicles noticed public workshops for LCB File R065-05 on 06/20/2005 by posting at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. The Department of Motor Vehicles noticed public hearings for LCB File R065-05 on 10/25/2005 by posting at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. In counties where the Department does not maintain an office, the notices for both the public workshops and hearing were posted at the main office of the public libraries. Special notices were also mailed to those persons who have requested to be placed on a special notice mailing list. An Electronic Message Bulletin was sent to emission

analyzers at each emission station, displaying the dates for the Public Hearings in Clark and Washoe Counties on 10/27/2005.

A copy of written comments may be obtained by calling the Nevada Department of Motor Vehicles at (775) 684-4805, or by writing the Department's Compliance Enforcement Division at 555 Wright Way, Carson City, NV. 89711. No comment or testimony was given by any member of the public at the Public Workshops and Public Hearings. No written comments from any member of the public were submitted to the Department.

2. The number of persons who:

(a) Attended each workshop:

Tuesday, 07/12/2005	Tuesday, 07/26/2005
3:00 PM	3:00 PM
Community College of Southern Nevada	South Valley's Library
Bldg B, Room 140	Diamond Room
3200 Cheyenne Ave	15650A Wedge Pkwy
Las Vegas, NV 89030	Reno, NV 89511
7 Persons Attended	5 Persons Attended

(b) Attended each hearing:

Tuesday, 11/29/2005	Thursday, 12/01/2005
1:15 PM	1:15 PM
Washoe Co Library	Clark County Library
1125 12 th Street	Jewelbox Theatre
Sparks, Nevada 89431	1401 E Flamingo Rd
11 Persons Attended	Las Vegas, NV 89119
	8 Persons Attended

(c) Testified at each hearing:

Name	Representing	Date
Dolf Vankesteren	Wayne's Automotive Mooney's Automotive Xpress Lube	11/29/2005
John Gardiner	Nevada Automotive Diagnostics	11/29/2005
Scott Allen	Truckee Meadows Community College	11/29/2005
Peter Krueger	Nevada Emission Testers Council	11/29/2005 12/01/2005
Mike Prince	Terrible Herbst	12/01/2005

(d) Submitted to the agency written comments:

Name	Representing	Date
Russ Lucas	Jiffy Smog	09/06/2005

3. 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 businesses through postings as outlined in question one, and by direct mail to individuals on the Department's interested parties' list.

Russ Lucas, owner of Jiffy Smog in Las Vegas submitted recommendations by e-mail on September 6th, 2005. Mr. Lucas provided the following information:

- 445B.460. Mr. Lucas supports the proposed changes, which move the regulations toward the EPA position of making a clear distinction between "test only" and "test and repair" facilities. Without the restrictions on 1G and 1D stations as proposed, there cannot be sufficient integrity to the "pass" and "fail" statistics to judge the basic efficacy of the I/M regime.
- 445B.465. Mr. Lucas understands the DMV's interest in changing the surety bond requirement to reflect the reality of multi-station licenses. Mr. Lucas believes that a \$1000 surety bond is an inadequate remedy and recommends an alternative that he believes will better serve the public interest, given the increasingly high cost of repairs to modern high value vehicles. Mr. Lucas recommends that every licensed smog operator be required to carry liability insurance with reasonable limits on every location. Such insurance would cover both property and personal injury damage, which in many cases could far exceed the proposed \$1000 surety bond limit. Mr. Lucas believes that liability insurance would not be a hardship on legitimate licensees, as prudent operators will already carry liability insurance as part of their risk management efforts. Mr. Lucas believes there are precedents within other industries, which can be used as a gauge to prove that liability insurance would provide better protection to Nevada Motorists.
- 445B.475. Mr. Lucas is opposed to the changes proposed in 445B.475. The proposed language amendment in 445B.475 would require that all repair work performed at a Class 2 station be carried out by emission inspectors that carry Class 2 certification. Currently Class 1 inspectors may perform emission control related services at a Class 2 Authorized Station, providing the work performed by the Class 1 inspector is inspected and approved by a Class 2 inspector. Mr. Lucas notes that he has Class 1 inspectors at his Class 2 stations that perform minor, routine types of vehicle repairs and services under the supervision of a Class 2 inspector. Mr. Lucas points out that there are simple emission repairs that do not need the skills of a Class 2 inspector that can be carried out by a Class 1 inspector, providing the work is inspected and signed off by a Class 2 inspector. Mr. Lucas believes that this type of practice is common in other vehicle repair environments, where journeyman mechanics oversee the work performed by an apprentice. Mr. Lucas anticipates that the operation of a Class 2 station will become uneconomic if the proposed amendment is adopted.

A Public Hearing was held 11/29/2005 at the Sparks NV Library, starting at 1:15 p.m. Four individuals provided testimony. A summary of the testimony received follows:

Dolf Vankesteren representing Wayne's Automotive, Mooneys Automotive & Xpress Lube: Mr. Vankesteren provided comments about Auto Parts Stores advertising free code checks, but also presented the following recommendations:

NAC 445B.460 Section 1:

Page 2: (4)(2) Requested to clarify external accessory drive belt to include serpentine types of belts

Page 3: (4)(4) Requested clarification how station can determine the most recent exhaust emissions test

Page 3: (4)(4c1): Xpress Lube cleans battery cables and replaces batteries. Proposed language will cause hardship for this business because battery related services could no longer be performed.

Page 3: (4)(4c1): Claims that some vacuum lines need to be removed to replace air filter, proposed language will cause hardship to business because replacing air filters on certain model vehicles could no longer be performed.

John Gardiner representing Nevada Automotive Diagnostics: Mr. Gardiner provided comment that current proposed language shall make it difficult to compete with repair shops not participating in the emission program. Mr. Gardiner believes that few vehicles are being "messed up" due to untrained individuals working on them but most vehicles receiving emission related repairs do have bad parts.

Scott Allen representing Truckee Meadows Community College: Mr. Allen commented in favor of proposed amendments to Nevada Administrative Code 445B.475. Mr. Allen explained that today's vehicles are very complex and that proper training, such as the 2G-certification program is very important to ensure proper emissions related repairs are performed.

Peter Krueger representing the Nevada Emission Testers Council: Mr. Krueger commented that the proposed language is out of step with a mature industry. Perhaps 1G Program should be eliminated, as 1G inspectors are not paid very well, since emission tests now take less time to perform. The industry will realize that it is not worth being hassled by laws. DMV should recognize changes within the industry and does not recognize a market place where program will not thrive.

A Public Hearing was held 12/01/2005 at the Clark County NV Library located on E Flamingo Rd, starting at 1:15 p.m. Two individuals provided testimony. A summary of the testimony received follows:

Peter Krueger representing the Nevada Emission Testers Council: Mr. Krueger provided the following comments:

Section 1: Proposed changes to 445B.460, if adopted, will be a huge change in the business modeling for the industry. For instance, in the past there has been no enforcement with regards to battery maintenance. But immediately forward there will be enforcement. Mr. Krueger requests an 18-month phase in for this proposed language. Mr. Krueger stated that current language in subsection 8 of 445B.460, requiring separate doors between business locations is vague and believes that overall it is not feasible to immediately enforce such changes – and is not an air quality issue. Mr. Krueger stated that the cat was originally let out of the bag when certain services were originally allowed at test only emission stations and requirements should have been made right from the beginning to only allow test only stations the ability to perform emission tests.

Section 3: Mr. Krueger presented the question whether or not the Department can show an actual need for station owners to provide multiple bonds.

Section 10: Mr. Krueger commented that the Department is not acting in a fair manner requiring changes overnight, which will not allow a 2G inspector to oversee a 1G inspector's work.

Mike Prince representing Terrible Herbst: Mr. Prince commented in support of Peter Krueger's recommendations for a phased in time period for implementing changes to 445B.460. With regards to 445B.460(4b3), Terrible Herbst service facilities uses Valvoline Fuel Injector Cleaners and has experienced no problems, Valvoline Fuel Injector Cleaners are registered with USEPA pursuant to recent amendments to state administrative codes. With regards to 445B.460(4c), Terrible Herbst uses a "Code Saver" when cleaning batteries or replacing batteries. With regards to (4c) Terribles changes a positive crankcase ventilation valve with the engine off, which should not bother anything when touching a vacuum line.

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 Department of Motor Vehicles evaluated all of the recommendations submitted in writing and by testimony and has amended the proposed language as follows:

445B.460(4b2): Amended language clarifies that accessory drive belts of either conventional or serpentine design may be replaced at an Authorized Inspection Station.

445B.460(4c): Deleted proposed language with the exception of language which specifies that authorized inspection stations shall not perform any service or diagnostic action that has a direct affect on data stored in the vehicle computer which monitors engine, transmission and emission control system operation, including, without limitation, the clearing of diagnostic trouble codes related to the engine transmission or emission control system.

445B.460(8): Amended language clarifies an authorized inspection station or class 1 fleet station must not be located immediately adjacent to any business that performs any installation, repair,

diagnosis or adjustment to any component or system of a motor vehicle that affects exhaust emissions. Current regulation states authorized inspection stations or class 1 fleet stations are not permitted to be located immediately adjacent to a business that performs any type of service or repair to motor vehicles.

445B.468: Amended language clarifies that changes to bonding requirements shall not go into effect for business owners until July 1, 2006. The bonding requirement changes will only affect new business locations, or changes to existing business locations on or after July 1, 2006.

445B.475: Proposed language amendment is deleted.

Section 12: This regulation shall become effective on July 1, 2006.

5. 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; and**
- (e) Both immediate and long-term effects.**

There will be increased bonding costs for new members of the regulated industry. Bonding of emission station locations is part of the licensing requirements. This requirement can be considered a long-term adverse economical effect on the regulated industry, but will result in improved consumer protection, as some emission station owners are currently operating over ten separate emission station locations with only a single \$1,000 bond on file with the Department.

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

There is no additional cost to the agency for enforcement of this regulation.

7. 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 or government agency regulations that the proposed regulation amendments duplicate.

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

No federal regulations regulate the same activity as the proposed regulation.

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.

This regulation does not provide or involve a new fee.