

LCB FILE No. R067-05

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

(Section 2 of this regulation has been reassigned as R082-05)

**NOTICE OF PUBLIC WORKSHOP
FOR THE ADOPTION OF REGULATIONS FOR
THE DEPARTMENT OF MOTOR VEHICLES**

The Department of Motor Vehicles will hold public workshops at the following location on the date and time specified:

**PUBLIC WORKSHOP
LAS VEGAS**

Tuesday, July 12, 2005 3:00 pm
Community College of S. Nevada
Bldg B, Room 140
3200 Cheyenne Ave.
North Las Vegas, NV. 89030

**PUBLIC WORKSHOP
RENO**

Tuesday, July 26, 2005 at 3:00 pm
South Valley's Library
Diamond Room
15650A Wedge Parkway
Reno, NV. 89511

The purpose of this workshop is to receive comments from all interested persons regarding:

- NAC 445B.5075, Manufacturer of approved analyzer: Required services; administrative fine for violations.
- **NAC 445B.XXX, New proposed regulation:** Unsafe or improperly equipped vehicle; Citation or notice of Violation, correction and inspection after repair.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Motor Vehicles may proceed immediately to act upon any written submissions.

There is no economic effect of the regulation on the public, nor is there a cost to the agency for enforcement of the proposed regulations.

The proposed amendment of regulations pertaining to Chapter 445B of Nevada Administrative code do not overlap or duplicate that of any other state or local governmental agency. These regulations are not required pursuant to federal law, nor does the federal government regulate similar activities.

Persons wishing to comment upon the proposed action of the Department of Motor Vehicles may appear at the scheduled public workshops or may address their comments, data, views, or arguments, in written form to:

Ivie Harper
Department of Motor Vehicles
Management Services and Programs
555 Wright Way, Carson City, NV 89711

Written submission must be received by Department of Motor Vehicles on or before July 12, 2005.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Motor Vehicles may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and regulations to be amended will be available at each of the Department of Motor Vehicles listed, and at the main public libraries listed, for inspection and copying by members of the public during business hours. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the locations listed on the attached page.

Dated: June 20, 2005.

THIS NOTICE HAS BEEN POSTED AT THE FOLLOWING LOCATIONS:

DEPARTMENT OF MOTOR VEHICLE BRANCH OFFICES

Office of the Director
555 Wright Way
Carson City, NV. 89711

1085 Highway 95
Hawthorne, NV. 89415

8250 West Flamingo Rd.
Las Vegas, NV. 89147

3030 S. Needles Highway, Ste. 900
Laughlin, NV. 89028

3920 E. Idaho St.
Elko, NV. 89801

1360 Basin Road
Pahrump, NV. 89060

178 Avenue F
Ely, NV. 89301

330 N. Sandhill Rd. Ste. H
Mesquite, NV. 89027

973 W. Williams Ave.
Fallon, NV. 89406

4021 W. Carey Ave.
N. Las Vegas, NV. 89030

400 Howerton Hill
Tonopah, NV. 89049

3505 Construction Way
Winnemucca, NV. 89445

215 West Bridge St. No. 9
Yerington, NV. 89447

1694 County Rd.
Minden, NV. 89423

305 Galletti Way
Reno, NV. 89512

1399 American Pacific Dr.
Henderson, NV. 89014

2701 E. Sahara Ave.
Las Vegas, NV. 89104

LIBRARIES

Goldfield Public Library
Fourth & Crook St.
Goldfield, NV. 89013

Lincoln County Library
93 Main St.
Pioche, NV. 89043

Eureka Branch Library
10190 Monroe St.
Eureka, NV. 89316

Battle Mountain Branch
625 Broad St.
Battle Mountain, NV. 89820

Pershing County Library
1125 Central Ave.
Lovelock, NV. 89419

Storey County Library
95 South R St.
Virginia City, NV. 89440

Nevada Tax Payers Association
501 S. Carson St. Ste.301
Carson City, NV. 89701

Mineral County Library
1125 Central Ave.
Hawthorn NV. 89419

Nevada State Library
100 North Stewart St.
Carson City, NV. 89701

LCB FILE No. R067-05

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

Section 1. NAC 445B.5075 Manufacturer of approved analyzer: Required services; administrative fine for violations. (NRS 445B.785, 445B.835)

1. The manufacturer of an exhaust gas analyzer approved by the Department, or an authorized representative of the manufacturer, shall provide the services set forth in this section to each person purchasing or leasing one of those analyzers as part of the warranty required pursuant to NAC 445B.5065, and thereafter upon request by the purchaser or lessee at a cost negotiated between the parties.

2. The manufacturer or its authorized representative shall:

(a) Deliver, install, calibrate and verify the proper operating condition of the analyzer.

(b) Train all approved inspectors employed by the test station at the time of installation in the proper use, maintenance and operation of the analyzer, including the procedure for performing a vehicle inspection in this State.

(c) Provide, within 30 days after receiving an oral or written request from the operator of a test station, additional training to an applicant for licensure as a class I approved inspector who is unable to demonstrate to the Department an ability to adjust and operate the equipment in accordance with paragraph (b) of subsection 1 of NAC 445B.485. The manufacturer may charge a fee for providing such additional training.

(d) Provide on-site service calls by a qualified repair technician within 2 business days after receiving an oral or written request from the operator of the test station. The names, toll-free telephone numbers and business addresses of all of the manufacturer's representatives responsible for equipment service in the affected area must be provided to the operator of the test station for this purpose. A service representative of the manufacturer must be available to receive service calls at all times during normal working hours of each day of the week, excluding Sundays and national holidays. Any necessary repairs to an analyzer, replacement of components or adjustments to an analyzer, including the correction and reset of quality control lockout systems, must be accomplished at the test station within 1 day after authorization from the operator of the test station has been obtained to perform the repairs. If it is not possible to

complete the work within this time, a temporary replacement analyzer meeting all program requirements of the Department must be provided to the operator of the test station at no additional charge until the malfunctioning analyzer is properly repaired and returned to service.

(e) If an Analyzer is taken off-site for repair, it must be fully repaired and placed back into service at its original location within no more than 10 working days from the date it was removed. The contractor may also choose to simply replace the defective Analyzer with a new or refurbished unit, at the owners consent, within 3 working days from the time the Analyzer owner places the service call. The service will not be complete and the equipment will not be considered serviced, repaired, or acceptable until it performs in compliance with the performance specifications. Only parts designed for the purpose they are being used, and warranted as new, may be used in the repair of the Analyzer. Regardless of whether the contractor repairs equipment on or off-site, the Analyzer owner will not be liable for any costs associated with the repair of broken equipment, including but not limited to unhooking, disassembly, packaging, crating, repair, transportation, replacement, reassembly, or rewiring. The only exception to this is that the contractor will not be responsible for costs resulting from negligence on behalf of the Analyzer owner or its employees.

(f) ~~(e)~~ Provide up to two updates of software as required by the Department, which may include, without limitation:

- (1) Preconditioning procedures and emission testing sequences;
- (2) Various look-up tables;
- (3) Procedures for data communication; and

(4) Criteria affecting the selection of emission standards, vehicle exemptions, and whether a vehicle passes or fails an emissions test.

Other areas not specifically mentioned may also be required to be updated, but changes are not expected in all noted areas at one time.

(g) ~~(f)~~ Provide major alterations or additions to the hardware or software of the analyzer as may be deemed necessary by the Department in response to a change in requirements of the inspection and maintenance program of this State, a change in vehicle technology or other relevant change. If an update is required, the time for development will be agreed upon by the Department and the manufacturer. If an update of software is required, the time within which the updated software must be developed will be agreed upon by the Department and manufacturer.

3. If the manufacturer of an exhaust gas analyzer violates any provision of subsection 2, the Department may, pursuant to NRS 445B.835, impose an administrative fine of \$1,000. Each day upon which such a violation occurs constitutes a separate violation.

(4) Criteria affecting the selection of emission standards, vehicle exemptions, and whether a vehicle passes or fails an emissions test.

Other areas not specifically mentioned may also be required to be updated, but changes are not expected in all noted areas at one time.

(f) Provide major alterations or additions to the hardware or software of the analyzer as may be deemed necessary by the Department in response to a change in requirements of the inspection and maintenance program of this State, a change in vehicle technology or other relevant change. If an update is required, the time for development will be agreed upon by the Department and the manufacturer. If an update of software is required, the time within which the updated software must be developed will be agreed upon by the Department and manufacturer.

3. If the manufacturer of an exhaust gas analyzer violates any provision of subsection 2, the Department may, pursuant to NRS 445B.835, impose an administrative fine of \$1,000. Each day upon which such a violation occurs constitutes a separate violation.

Section 2. *NAC 445B.** Unsafe or improperly equipped vehicle; Citation or Notice of Violation, correction and inspection after repair. (new code)***

1. Upon the receipt of a citation issued by a law enforcement agency, or a public complaint with a verifiable named witness, i.e. law enforcement or Department employee that observed a vehicle emitting visible exhaust emissions in violation of subsection 2 of NRS 484.611, the Department shall:

a. Prepare a letter and mail it to the last known address of the registered owner of the violating vehicle explaining the violation and that proof of correction as specified in section 2, is required.

b. If there is no response from the “Notice of Observation” letter within 10 business days, prepare a “Notice of Violation and Intended Action” letter and send it via certified mail to the last known address of the registered owner informing him that if within 30 days of the receipt of the notice, he fails to provide proof to the Department as specified in section 2, that the

condition which caused the violation has been corrected, the Department shall rescind and cancel his vehicle registration.

2. Proof of correction to ensure that the condition which caused the violation has been corrected shall consist of a visual inspection of the violating vehicle performed at a Department emission control laboratory by qualified Department emission control personnel, or by written proof of correction completed by a verifiable peace officer employed by a law enforcement agency on a form provided by the Department.

3. Should the registered owner of the vehicle fail to provide proof to the Department as specified in section 2 that the condition for which he was issued the notice or citation has been corrected within 30 days of his receipt of the notice, the Department shall rescind and cancel the registration of the vehicle.

4. The Department may grant an extension of time of not more than 60 days beyond the initial 30 days specified in section 3 in the following circumstances;

a. The registered owner or person in lawful possession of the vehicle provides satisfactory proof to the Department that the vehicle is scheduled for, or is currently undergoing repair to correct the condition that caused the notice of violation to be issued, and;

b. The request for extension of time is made within the initial 30 days specified in the notice of violation prior to cancellation or rescinding of the vehicle registration.