

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

LCB File No. R082-05

Effective March 23, 2007

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

AUTHORITY: §1, NRS 481.051 and 482.160.

A REGULATION relating to vehicle emissions; revising provisions governing vehicles that emit excessive fumes or smoke; and providing other matters properly relating thereto.

Section 1. Chapter 482 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Upon the receipt of a citation or notice of violation issued with respect to a vehicle emitting excessive fumes or smoke in violation of subsection 2 of NRS 484.611, the Department will send a notice of violation by certified mail to the last known address of the registered owner of the vehicle informing him that if, within 30 days after the date of issuance of the citation or notice, he fails to provide to the Department, as specified in subsection 2, proof of the correction of the condition for which the citation or notice was issued, the Department will rescind and cancel the registration of the vehicle in accordance with NRS 482.460.

2. Proof of the correction of the condition for which a citation or notice was issued must consist of:

(a) A visual inspection of the vehicle performed by a qualified employee of the Department at a facility operated by the Department; or

(b) Written proof of the correction which is set forth on a form sent to the registered owner by the Department and which is completed by a peace officer employed by a law enforcement agency in this State.

3. If the registered owner of the vehicle, within 30 days after the citation or notice was issued, fails to provide to the Department, as specified in subsection 2, proof of the correction of the condition for which the citation or notice was issued, the Department will rescind and cancel the registration of the vehicle in accordance with NRS 482.460.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R082-05

The Department of Motor Vehicles submits the following statement. The Department adopted regulations assigned LCB File R082-05, which pertain to Chapter 482 of the Nevada Administrative Code, a regulation relating to emissions; revising provisions governing vehicles that emit smoke.

Workshop Notice Date: 10/18/2006

Workshop dates: 10:30 am, Thursday, November 9th, 2006
Washoe County Government Complex
Building C, Room Number 110
1001 East Ninth Street
Reno, Nevada 89512

Hearing Notice Date: 10/18/2006

Hearing dates: 10:30 am, Wednesday, December 6th, 2006
Washoe County South Valleys Library
15650A Wedge Parkway
Reno, Nevada 89511

10:30 am, Friday, December 8th, 2006
Community College of Southern Nevada
Building D, Room Number 219
6375 West Charleston
Las Vegas, Nevada 89146

Date of adoption by agency: January 23, 2007

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 R082-05 on 10/18/2006 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 notice was posted at the main office of the public libraries. Special notice was also mailed to those persons who have requested to be placed on a special notice mailing list. 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 by any member of the public were submitted to the Department.

2. The number of persons who:

(a) Attended each workshop:

10:30 am, Thursday, November 9th, 2006
Washoe County Government Complex
Building C, Room Number 110
1001 East Ninth Street
Reno, Nevada 89512
6 persons attended this Workshop

(b) Attended each hearing:

10:30 am, Wednesday, December 6th, 2006
Washoe County South Valleys Library
15650A Wedge Parkway
Reno, Nevada 89511
15 persons attended this Hearing

10:30 am, Friday, December 8th, 2006
Community College of Southern Nevada
Building D, Room Number 219
6375 West Charleston
Las Vegas, Nevada 89146
4 persons attended this Hearing

(c) Testified at each Workshop and Hearing: DMV Services Manager III Lloyd Nelson acted as the Facilitator for the November 9th, 2006 Public Workshop. Lloyd Nelson provided an overview of the proposed regulation addition for Chapter 482. There were no comments or questions received from anyone attending this workshop.

Presiding at the public hearing in Reno on December 6th, 2006 was Lars Tollefson, Administrative Law Judge, Nevada Department of Motor Vehicles. Present from the Department to direct the discussion and staff response was Lloyd Nelson, DMV Services Manager III, Compliance Enforcement Division.

DMV Services Manager III Lloyd Nelson testified substantially as follows:

Amendment is proposed to chapter 482 of the Nevada Administrative Code, to add a new section addressing motor vehicles that emit excessive fumes or smoke. The amendment would require the Department to send a Notice of Violation to the registered owner of a subject vehicle, informing the registered owner that the registration to the subject vehicle will be rescinded and canceled if satisfactory written proof of correction is not provided to the Department within thirty days of the date of issuance of the initial citation or notice of violation for emission of excessive fumes or smoke. The amendment provides that the Department will rescind and cancel the registration of a subject vehicle if satisfactory written proof of correction is not received within the 30 - day period provided by the Department's Notice of Violation.

DMV Services Manager III Lloyd Nelson continued testimony as follows:

The Department's initial draft of the proposed regulation was transmitted to the Legislative Counsel Bureau, with a revised draft received, bearing LCB File Number R082-05, dated July 19, 2005. After that date, the Department determined that it wished to make a small change to the substantive language contained in the revised draft bearing LCB File Number R082-05. Written materials attached to the Notice of Public Hearing, and made available at this hearing include the LCB draft bearing LCB File Number R082-05, with the Department's latest proposed revisions also shown on the document with a revised date of September 26, 2006.

Fifteen persons from the public or affected entities were in attendance at the public hearing and were invited to testify regarding the proposed regulation. No testimony was offered.

Presiding at the public hearing in Las Vegas on December 8th, 2006 was Toni Boone, Administrative Law Judge, Nevada Department of Motor Vehicles. Present from the Department to direct the discussion and staff response was Kyle Moss, Compliance Enforcement Investigator, and Ivie Harper, Compliance Enforcement Administrative Assistant.

Four persons from the public or affected entities were in attendance at the public hearing and were invited to testify regarding the proposed regulation. No testimony was offered.

(d) Submitted to the agency written comments: A public hearing notice invited written comments from the public and affected agencies, with a deadline for receipt of written comments set at November 30, 2006. No written comments were received through the dates of the public hearings.

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. The Department of Motor Vehicles noticed public workshops for LCB File R082-05 on 10/18/2006 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 notice was posted at the main office of the public libraries. Special notice was also mailed to those persons who have requested to be placed on a special notice mailing list. Electronic Transmission Messages were sent by the Department on November 3rd, 2006 to each active emission analyzer located at Nevada emission stations advising of the upcoming public workshop content, date and location. Electronic Transmission Messages were sent by the Department on November 29th, 2006 to each active emission analyzer located at Nevada emission stations advising of the upcoming public hearing content, dates and locations.

A copy of the minutes for the public workshop and public hearings may be obtained by contacting the Department of Motor Vehicles Compliance Enforcement Division by telephone at (775) 684-4805. A copy of the minutes for the public workshop and public hearings may be obtained by contacting the Department of Motor Vehicles Compliance Enforcement Division in writing at the following address:

Nevada Department of Motor Vehicles
Compliance Enforcement Division
555 Wright Way
Carson City, Nevada 89711-0900
Attention: Ivie Harper Administrative Assistant III

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. Since no testimony or written comment was received from either the public or affected agencies, The Department of Motor Vehicles has submitted LCB File Number R082-05 for adoption with a small change to the substantive language contained in the revised draft received from the Legislative Council Bureau.

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

(a) There is no estimated economic effect on the regulated industry, either adverse or beneficial, nor immediate or long-term.

(b) There is no estimated economic effect on the public, either adverse or beneficial, nor immediate or long-term.

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 federal 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.

There are not federal regulations which 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. There is not a total amount expected to be collected or used.