

LCB FILE No. R082-05

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

(This regulation was previously section 2 of R067-05)

**NOTICE OF PUBLIC WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS FOR
THE DEPARTMENT OF MOTOR VEHICLES**

The Department of Motor Vehicles is proposing the adoption of a new regulation pertaining to Chapter 482 and amendments of regulations pertaining to Chapter 445B of the Nevada Administrative Code. A workshop has been set for:

**PUBLIC WORKSHOP
RENO**

Thursday November 09, 2006 at 10:30 am
Washoe County Health Department
1001 E. 9th St. Bldg. C, Room #110
Reno, NV. 89512

The purpose of this Workshop is to solicit comments from all interested persons regarding:

- NAC 482, relating to vehicle emissions; revising provisions governing vehicles that emit excessive fumes or smoke; and providing other matters properly relating thereto.
- NAC 445B, relating to vehicle emissions; revising the definition of “used motor vehicle”; revising the provisions governing the operation of certain test stations; and providing other matters properly relating thereto.
- NAC 445B, relating to vehicle emissions; revising provisions regarding advertising and fees for posting signs by authorized inspection stations that perform emission control tests; and providing other matters properly relating thereto.
- NAC 445B, relating to vehicle emissions; revising the application process for licensing as a test station; and providing other matters properly relating thereto.

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 adoption of a new regulation pertaining to Chapter 482 and amendments of regulations pertaining to Chapter 445B of the 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
Compliance Enforcement Division
555 Wright Way, Carson City, NV 89711

Written submission must be received by Department of Motor Vehicles on or before November 09, 2006.

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 workshop has been posted at the locations listed on the attached page.

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

NOTICE OF INTENT TO ACT UPON A REGULATION

**NOTICE OF PUBLIC HEARING
FOR THE ADOPTION AND AMENDMENT OF REGULATIONS OF THE
THE DEPARTMENT OF MOTOR VEHICLES**

The Department of Motor Vehicles is proposing the adoption of a new regulation pertaining to Chapter 482 and amendments of regulations pertaining to Chapter 445B of the Nevada Administrative Code. A hearing has been set for:

**PUBLIC HEARING
RENO**

December 06, 2006 at 10:30 am
South Valleys Library
15650 "A" Wedge View Parkway
Reno, NV. 89521

**PUBLIC HEARING
LAS VEGAS**

December 08, 2006 at 10:30 am
Community College of Southern Nevada
6375 W. Charleston, Bldg. D, Rm# 219
Las Vegas, NV. 89146

The purpose of this Hearing is to solicit comments from all interested persons regarding:

- NAC 482, relating to vehicle emissions; revising provisions governing vehicles that emit excessive fumes or smoke; and providing other matters properly relating thereto.
- NAC 445B, relating to vehicle emissions; revising the definition of "used motor vehicle"; revising the provisions governing the operation of certain test stations; and providing other matters properly relating thereto.
- NAC 445B, relating to vehicle emissions; revising provisions regarding advertising and fees for posting signs by authorized inspection stations that perform emission control tests; and providing other matters properly relating thereto.
- NAC 445B, relating to vehicle emissions; revising the application process for licensing as a test station; and providing other matters properly relating thereto.

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 adoption of a new regulation pertaining to Chapter 482 and amendments of regulations pertaining to Chapter 445B of the 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 hearing or may address their comments, data, views, or arguments, in written form to:

Ivie Harper
Department of Motor Vehicles
Compliance Enforcement Division
555 Wright Way, Carson City, NV 89711

Written submission must be received by Department of Motor Vehicles on or before November 30, 2006.

A copy of this notice and the regulations to be adopted and/or 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.

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. R082-05

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

*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.