

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

**LCB File No. R135-05**

September 29, 2005

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

AUTHORITY: §§1-10, NRS 445B.830.

A REGULATION relating to pollution; revising the membership of the Advisory Committee on the Control of Emissions From Motor Vehicles; revising provisions governing grants of money from the Pollution Control Account; and providing other matters properly relating thereto.

**Section 1.** NAC 445B.853 is hereby amended to read as follows:

445B.853 1. The Advisory Committee on the Control of Emissions From Motor Vehicles is hereby created.

2. The Committee consists of ~~[10]~~ *11* members appointed by the ~~[appropriate deputy director]~~ *Deputy Director* of the Department of Motor Vehicles. The ~~[deputy director]~~ *Deputy Director* shall appoint:

- (a) Two persons who are representatives of the Department of Motor Vehicles;
- (b) Two persons who are representatives of the Division of Environmental Protection;
- (c) *Two persons who are representatives of the Clark County Department of Air Quality and Environmental Management;*
- (d) One person who is a representative of the Department of Transportation;
- ~~[(d) One person who is a representative of the Clark County Health District;]~~
- (e) One person who is a representative of the *State Department of Agriculture;*

(f) *One person who is a representative of the* Washoe County District Health Department;

~~[(f) One person who is a representative of the Clark County Department of Comprehensive Planning;]~~

(g) One person who is a representative of the Truckee Meadows Regional Planning Agency;

(h) One person, as a nonvoting member, who is a representative of the United States Environmental Protection Agency, Region IX; and

(i) One person, as an alternate member, for each person described in paragraphs (a) to (h), inclusive.

3. The ~~[appropriate deputy director]~~ *Deputy Director* of the Department of Motor Vehicles shall:

(a) Appoint the members of the Committee from a list submitted by the chief administrative officer of each agency represented on the Committee.

(b) Designate one of the members of the Committee to act as its Chairman.

**Sec. 2.** NAC 445B.855 is hereby amended to read as follows:

445B.855 1. Unless he is removed pursuant to the provisions of subsection 3:

(a) The Chairman of the Committee serves in that capacity for a term of not more than 2 years, as determined by the ~~[appropriate deputy director]~~ *Deputy Director* of the Department of Motor Vehicles, and may be reappointed.

(b) Each member and alternate member of the Committee serves a term of 2 years and may be reappointed. Any person appointed to replace a member or alternate member before the expiration of his term serves during the unexpired portion of that term.

2. Members of the Committee serve without salary.

3. Any member or alternate member of the Committee must be removed upon written request for his removal made by the chief administrative officer of the agency he represents. Any such request must be submitted to the ~~{appropriate deputy director}~~ *Deputy Director* of the Department of Motor Vehicles.

**Sec. 3.** NAC 445B.857 is hereby amended to read as follows:

445B.857 1. The Committee shall meet at least quarterly, or more frequently at the call of the Chairman, at the time and place designated by the Chairman.

2. A majority of all appointed members who are eligible to vote constitutes a quorum. The affirmative votes of a majority of the members present are necessary to adopt a recommendation or approve action.

3. The Chairman shall cause written minutes of each meeting to be made and shall forward a copy of the minutes to the ~~{appropriate deputy director}~~ *Deputy Director* of the Department of Motor Vehicles and to the Administrator of the Division of Environmental Protection.

**Sec. 4.** NAC 445B.861 is hereby amended to read as follows:

445B.861 1. An application for a grant must be submitted to the ~~{appropriate deputy director}~~ *Deputy Director* of the Department of Motor Vehicles, ~~{and}~~ the Administrator of the Division of Environmental Protection *and the Chairman of the Committee* not later than April 1 preceding the fiscal year for which the grant is requested.

2. The application must:

(a) Contain the name and address of the agency making the application;

(b) Contain the name and telephone number of any person responsible for coordinating the proposed project or, if there is no such person, the chief administrative officer of the applicant;

(c) ~~Specify whether the grant is requested from dedicated funds or from excess money in the Pollution Control Account;~~

~~(d)~~ Specify the fiscal year for which the grant is requested;

~~(e)~~ (d) State the specific objectives of the ~~project;~~

~~(f)~~ *request;*

(e) Contain a description of the manner in which the ~~project will maintain~~ *request is related to the improvement of* air quality ~~by reducing emissions from motor vehicles;~~

~~(g)~~;

(f) Contain a statement of the work *that is planned* to be performed ~~in connection with the project, with a timetable for completion of the work; and~~

~~(h)~~;

(g) Set forth a *program* budget , ~~for the project,~~ itemized under *applicable* categories of expenditures ~~for~~ , *including, without limitation*, personnel, travel, operating expenses and equipment.

Sec. 5. NAC 445B.863 is hereby amended to read as follows:

445B.863 1. ~~Each application for a grant that is properly completed and submitted in timely fashion to the appropriate deputy director of the Department of Motor Vehicles must be submitted by him to the Committee no~~ *The Chairman of the Committee shall schedule a meeting of the Committee not* later than ~~April 15 preceding the fiscal year for which the grant is requested.~~

~~2. After it receives an application, the~~ *20 working days after the receipt of the application for a grant pursuant to NRS 445B.861 to review the application.*

2. *The* Committee shall review the application at ~~[its next]~~ *the* meeting *scheduled pursuant to subsection 1* and determine:

- (a) Whether the applicant is eligible for a grant;
- (b) Whether the ~~[project will further the objective of maintaining]~~ *request is related to the improvement of* air quality ; ~~[by limiting or reducing emissions from motor vehicles;]~~
- (c) The merit of the project; and
- (d) The likelihood of success of the project.

3. Based upon its determinations, the Committee shall recommend that the application be approved as submitted, that it be approved with specified changes or that it be denied.

**Sec. 6.** NAC 445B.865 is hereby amended to read as follows:

445B.865 1. The recommendation of the Committee concerning an application must be transmitted by the Chairman of the Committee to the ~~[appropriate deputy director]~~ *Deputy Director* of the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection ~~[ ]~~ *not later than 5 working days after the Committee conducted the review of the application pursuant to NRS 445B.863.*

2. The Administrator of the Division of Environmental Protection shall consider the recommendation of the Committee and shall approve the application, disapprove it or approve it pending revision of the application. The Administrator shall transmit his decision to the ~~[appropriate deputy director]~~ *Deputy Director* of the Department of Motor Vehicles ~~[within]~~ *not later than* 10 working days after he receives the recommendation of the Committee.

3. The ~~[appropriate deputy director]~~ *Deputy Director* of the Department of Motor Vehicles shall consider the recommendation of the Committee and shall approve the application, disapprove it or approve it pending revision of the application.

4. If both the ~~[appropriate deputy director]~~ *Deputy Director* of the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection approve an application, the ~~[deputy director]~~ *Deputy Director* shall cause the proposed grant to be submitted for approval by the Interim Finance Committee.

5. If the Interim Finance Committee approves the grant, the ~~[appropriate deputy director]~~ *Deputy Director* of the Department of Motor Vehicles shall enter into an agreement with the recipient of the grant, specifying the terms and conditions under which the grant is made.

**Sec. 7.** NAC 445B.867 is hereby amended to read as follows:

445B.867 1. A grant must be awarded for a period of 1 fiscal year.

2. If any money from a grant remains unexpended at the end of the fiscal year for which the grant is made, the recipient may use the money to continue the project for not more than 1 fiscal year after the termination date set forth in the agreement executed pursuant to NAC 445B.865.

~~[At]~~ *Except as otherwise provided in subsection 4, at* the end of this period, the recipient shall return any unexpended money to the Department of Motor Vehicles.

*3. Not later than 60 days before the expiration of the period authorized pursuant to subsection 2 for the expenditure of money from a grant or the expiration of the period authorized for the expenditure of money pursuant to an agreement entered into pursuant to subsection 4, the recipient of a grant may submit a request in writing to the Deputy Director of the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection for authorization to expend money from a grant for an additional fiscal year. The request must include:*

*(a) The name and address of the recipient submitting the request;*

*(b) The name and telephone number of any person responsible for coordinating the project or, if there is no such person, the chief administrative officer of the recipient;*

*(c) The reasons for which the request is submitted;*

*(d) A statement specifying the fiscal year during which the grant was originally awarded;*

*(e) A statement specifying the amount of work remaining on the project; and*

*(f) A statement specifying the amount of money that remains unexpended from the original grant.*

*4. If both the Deputy Director of the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection approve a request submitted pursuant to subsection 3, the Deputy Director, the Administrator and the recipient of the grant may enter into a written agreement authorizing the recipient to expend money from a grant for an additional fiscal year.*

**Sec. 8.** NAC 445B.869 is hereby amended to read as follows:

445B.869 1. The recipient of a grant shall, during the fiscal year for which the grant is made, submit to the ~~[appropriate deputy director]~~ *Deputy Director* of the Department of Motor Vehicles quarterly reports on the status of the project supported by the grant. These reports are due no later than 45 days after October 1, January 1, April 1 and July 1, respectively.

2. Each report must, for the preceding quarter:

(a) *Contain a statement that sets forth:*

*(1) The date on which the request for the grant was approved by the Committee;*

*(2) The date on which the funding for the grant was approved by the Interim Finance Committee;*

*(3) The total amount of the money approved for the grant;*

*(4) The amount of money expended during each quarter since the approval of the grant;*  
*and*

*(5) The amount of money remaining unexpended from the grant;*

(b) Contain a description of progress made toward completion of the stated objectives of the project;

~~[(b)]~~ (c) Include a narrative summary of noteworthy accomplishments and problems encountered in connection with the project;

~~[(e)]~~ (d) Contain an itemized list of approved expenditures, shown by budget category, that have been made; and

~~[(d)]~~ (e) Be accompanied by original invoices or other acceptable evidence of these expenditures.

3. Each report may be accompanied by:

(a) Graphic or tabular displays;

(b) Media reports concerning the project; or

(c) Other related materials related to the project, such as papers prepared for professional meetings, published articles or brochures.

**Sec. 9.** NAC 445B.871 is hereby amended to read as follows:

445B.871 1. The ~~[(appropriate deputy director)]~~ *Deputy Director* of the Department of Motor Vehicles may terminate a grant or suspend payments of money pursuant to the grant for any of the following reasons, among others:

(a) Failure or refusal of the recipient of the grant to submit any report required by NAC 445B.869;

(b) Failure or refusal of the recipient to provide any information or assistance required in connection with any audit; or

(c) Misuse or use for a nonapproved purpose of any money from the grant.

2. The ~~{appropriate deputy director}~~ *Deputy Director* of the Department of Motor Vehicles may deny or refuse to consider an application for a grant made by a person who has previously violated any term or condition of a grant or of the provisions of NAC 445B.850 to 445B.871, inclusive.

**Sec. 10.** NAC 445B.873 is hereby amended to read as follows:

445B.873 1. Except as otherwise provided in subsection 2, the Department of Motor Vehicles shall award grants from the Pollution Control Account in accordance with subsection ~~{4}~~ 6 of NRS 445B.830 if the Account contains sufficient money for this purpose.

2. The Department of Motor Vehicles shall not award a grant from the Pollution Control Account for a proposed project or program unless the project or program is designed to improve or maintain the quality of air . ~~{by limiting or reducing the emissions from motor vehicles.}~~