

Chapter 445B of NAC

LCB File No. T002-05

ADOPTED TEMPORARY REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION

Filed with the Secretary of State on January 5, 2005

Petition 2004-27

**Explanation:** Matter in bold italics is new; matter in brackets ~~omitted material~~ is material to be omitted.

**AUTHORITY:** NRS 445B.210 and 445B.770

**Section 1.** NAC 445B.592 is hereby amended to read as follows:

**NAC 445B.592 Applicability of requirements for inspections and certain standards for emissions.** (NRS 445B.210, 445B.760, 445B.770, 445B.825) The provisions of subsection 3 of NAC 445B.576 and NAC 445B.593 to 445B.596, inclusive, do not apply to any:

1. Motorcycle or moped.
2. Motor vehicle which is subject to prorated registration pursuant to NRS 706.801 to 706.861, inclusive, and is not based in this State.
3. New motor vehicle until the third registration of the vehicle.
4. Motor vehicle permanently converted from gasoline to propane, compressed natural gas (CNG), methane or butane as a fuel.
5. Motor vehicle with a model year before 1968.
6. Heavy-duty motor vehicle *having a manufacturer's gross vehicle weight rating greater than 10,000 pounds and* powered by a diesel engine.

**Sec. 2.** NAC 445B.593 is hereby amended to read as follows:

**NAC 445B.593 Inspections required in Clark County.** (NRS 445B.210, 445B.770)

1. On or after October 1, 1983, persons who are registering or reregistering a used motor vehicle in Clark County *in and within 5 miles of the boundary of hydrographic basin 212, as established in Nevada's air quality state implementation plan, and inside the limits of the Boulder City line,* must provide evidence of compliance *with NAC 445B.400 to 445B.735* for those vehicles except for any which are *physically* based ~~at addresses serviced by one of the following post offices~~ *within the community of Goodsprings:*

- ~~(a) Bunkerville;~~
- ~~(b) Indian Springs;~~
- ~~(c) Jean;~~
- ~~(d) Goodsprings;~~
- ~~(e) Logandale;~~
- ~~(f) Mesquite;~~
- ~~(g) Moapa.]~~

2. The Department will establish and maintain a list by zip code of the addresses ~~which~~ *that are included in this section and those that* are exempted from this section.

**Sec. 3.** NAC 445B.594 is hereby amended to read as follows:

**NAC 445B.594 Inspections required in Washoe County.** (NRS 445B.210, 445B.770)

1. On or after October 1, 1983, persons who are registering or reregistering used motor vehicles in *the area of* Washoe County *that is south of the 40th degree of north latitude* must provide evidence of compliance *with NAC 445B.400 to 445B.735* for those vehicles except for any ~~[which]~~ *that* are *physically based within the following communities or* based at addresses serviced by one of the following post offices:

(a) Crystal Bay;

(b) Empire;

(c) ~~[Gerlach;~~

~~(d)]~~ Nixon;

~~[(e)]~~ (d) Wadsworth; ~~[or]~~

~~[(f)]~~(e) Incline Village; *or*

(f) *Sutcliffe.*

2. The Department will establish and maintain a list by zip code of the addresses ~~[which]~~ *that are included in this section and those that* are exempted from this section.

**NOTICE OF ADOPTION OF TEMPORARY REGULATION  
LCB File No. T002-05**

The State Environmental Commission adopted temporary regulations assigned LCB File No. T002-05 which pertain to chapter 445B of the Nevada Administrative Code on November 30, 2004.

**Notice date:** 10/26/2004  
**Hearing date:** 11/30/2004

**Date of adoption by agency:** 11/30/2004  
**Filing date:** 1/5/2005

**INFORMATIONAL STATEMENT**

This temporary regulation clarifies and updates the Inspection & Maintenance (I/M) provisions of Nevada Administrative Code (NAC) 445B and brings them into alignment with the Nevada Revised Statutes (NRS). The amendments bring diesel vehicles with a gross vehicle weight rating (GVWR) from 8,500 up to and including 10,000 pounds into the I/M program as per Assembly Bill 36. It also aligns the Clark County I/M program area in the NAC with what is in the Nevada I/M State Implementation Plan as well as clarifies which areas are included in the Washoe County I/M program and which are exempt.

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

The Nevada Division of Environmental Protection (NDEP), Bureau of Air Quality Planning (BAQP) held workshops on the above referenced temporary regulation at the following locations.

**Reno**

Friday, November 5, 2004 South  
Valleys Library Conference Room  
18100 Wedge Parkway Reno, NV  
2:00 – 3:00 PM

**Las Vegas**

Wednesday, November 3, 2004 The Community  
College of S. Nevada Conference Room A, Phase 5  
Bldg 3200 E Cheyenne Ave North Las Vegas, NV  
4:00 – 5:00 PM

The proposed regulation was also noticed by the State Environmental Commission (SEC) in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates – November 8, 15, and 22, 2004. The public was subsequently mailed a public notice and meeting agenda for the SEC hearing; the SEC mailing list was used for both mailings.

At the SEC hearing, there were no public oral comments received by the Commission during the adoption of the referenced regulation.

**2. The number persons who:**

- (a) **Attended August 19, 2004 hearing;** 30
- (b) **Testified on this Petition at the hearing:** 1 (NDEP Staff)
- (c) **Submitted to the agency written comments:** None

**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.**

Public workshops were held to explain the proposed changes and solicit opinion from the affected businesses, primarily large public fleets that operate diesel-powered pickup trucks in the 8500 to 10000 pound weight class. No public comments either oral or written were made at the workshops.

**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 regulatory changes are minor and easy to understand. They allow concurrence between the NAC and amended NRS to be maintained as well as clarify the geographic extent of the I/M programs in Clark and Washoe Counties.

**5. The estimated economic effect of the adopted regulation on the business, which it is to regulate, and on the public.**

(a) Regulated Business/Industry. The proposed amendments will affect some government, business and industry fleets in areas that require emissions testing. In those parts of Washoe and Clark Counties that are subject to the emissions testing program, diesel-powered vehicles with a GVWR from 8,500 up to and including 10,000 pounds will be required to have an annual emissions test before registering. Affected fleets can choose to test their own vehicles or use an emissions testing station. Each year, DMV sets a maximum fee that stations can charge for an emissions test; the 2004 limits are \$39.00 in Clark County and \$36.00 in Washoe County.

(b) Public. The proposed amendments will affect certain vehicle owners in areas that require emissions testing. In those parts of Washoe and Clark Counties that are subject to the emissions testing program, diesel-powered vehicles with a GVWR from 8,500 up to and including 10,000 pounds will be required to have an annual emissions test before registering. Each year, DMV sets a maximum fee that industry can charge for an emissions test; the 2004 limits are \$39.00 in Clark County and \$36.00 in Washoe County.

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

The Department of Motor Vehicles (DMV) implements the inspection and testing program for motor vehicles. There will be no additional costs to DMV for implementing this regulation.

**7. A description of any regulations of other state or government agencies which 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.**

The regulation does not overlap or duplicate any regulations of other state, federal or local agencies.

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

The regulation is no more stringent than what is established by federal law.

**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.**

Fees collected by the DMV from the emissions testing program are used as specified in NRS 445B.830.