

Chapter 445B of NAC

LCB File No. T020-06

PROPOSED TEMPORARY REGULATION OF THE DEPARTMENT OF MOTOR VEHICLES

NOTICE OF PUBLIC WORKSHOP/HEARING FOR THE ADOPTION OF REGULATIONS FOR THE DEPARTMENT OF MOTOR VEHICLES

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

PUBLIC WORKSHOP/HEARING LAS VEGAS

Thursday, January 18, 2007 Approximately
1:00 pm – immediately following I/M Advisory Committee Meeting
Atrium Annex
7th Floor of the “University of Phoenix” Bldg
333 N. Rancho Rd. Room 780
Las Vegas, NV. 89106

PUBLIC WORKSHOP/HEARING RENO

Wednesday, January 24, 2007 at 10:00 am
Washoe County Health Department
1001 E. 9th St. Bldg. C, Room #110
Reno, NV. 89512

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

- **Workshop and Hearing on:**
 - NAC 445B.464, Test Stations: Hearing concerning denial, suspension or revocation of license.
 - NAC 445B.490, Hearing on suspension or revocation of license.

- **Workshop Only on:**
 - **Repeal**, NAC 445B.5057, Manufacturer of approved analyzer: Required services; administrative fine for violations.

- **Repeal**, NAC 445B.5065, Manufacturer of approved analyzer: Required warranty.

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 amendments 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 workshop/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 January 15, 2007.

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.

Dated: December 5, 2006

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

1780 E. Basin Road
Pahrump, NV. 89060

7170 N. Decatur Blvd.
Las Vegas, NV. 89131

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

4110 Donovan Way
North Las Vegas, NV. 89030

810 E. Greg St.
Sparks, NV. 89431

3920 E. Idaho St.
Elko, NV. 89801

1137 S. Main St. #C-8
Tonopah, NV. 89049

178 N. Avenue F
Ely, NV. 89301

8250 West Flamingo Rd.
Las Vegas, NV. 89147

973 W. Williams St.
Fallon, NV. 89406

3505 Construction Way
Winnemucca, NV. 89445

305 Galletti Way
Reno, NV. 89512

215 West Bridge St. #9
Yerington, NV. 89447

1085 Highway 95
Hawthorne, NV. 89410

Department of Motor Vehicles Website
<http://www.dmvnv.com/index.htm>

1399 American Pacific Dr.
Henderson, NV. 89074

Legislative Council Bureau Website
<http://www.leg.state.nv.us/register>

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

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

1694 County Road
Minden, NV. 89423

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

LIBRARIES

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

Eureka Branch Library
10190 Monroe Street
Eureka, NV. 89316

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

Lincoln County Library
#63 Main Street
Pioche, NV. 89043

Mineral County Library
First and "A" Street
Hawthorne, NV. 89415

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

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

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

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

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

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

AUTHORITY: NRS 445B.785

A REGULATION relating to vehicle emissions; revising the provisions governing approved inspectors; and providing other matters properly relating thereto.

Sec. 1. NAC 445B.464 is hereby amended to read as follows:

NAC 445B.464 Test station: Hearing concerning denial, suspension or revocation of license. (NRS 445B.785)

1. The applicant or licensee may, within 30 days after the receipt of the notice of denial or suspension or revocation, petition the Director in writing for a hearing which will be conducted by the Director or his authorized representative.

~~[2. Upon filing the petition, a date for the hearing will be fixed no longer than 20 days after the receipt of the request for hearing.]~~ The applicant or licensee is entitled to be present at the hearing, testify in his own behalf and have such other persons as he desires to be present to testify at the hearing.

~~[3.]~~ 2. Failure of the applicant or licensee to petition the Director in writing for a hearing within the 30-day period constitutes an automatic denial of the application or suspension or revocation of the license of the test station.

~~[4. Within 10 days after the hearing, the Director or his authorized representative will:~~

~~—(a) Grant or finally deny the application; or~~

~~—(b) Suspend or revoke the license.~~

~~—5.]~~ 3. Notwithstanding the provisions of subsections 1 to ~~[4], 2~~ inclusive, the Department may, if the Director finds that the action is necessary and in the public interest, upon notice to the licensee, temporarily suspend or refuse to renew the license for a period not to exceed 30 days. For good cause, the Director or his designee may extend the period of suspension of the license or continue to refuse to renew the license if he deems such action to be necessary and in the public interest. In any such case, a hearing must be held and a final decision rendered within 30 days after notice of the temporary suspension.

Sec. 2. NAC 445B.490 is hereby amended to read as follows:

445B.490 Hearing on suspension or revocation of license (NRS 445B.785)

1. The approved inspector may, within 30 days after receipt of the notice of suspension or revocation, petition the Director, in writing, for a hearing which will be conducted by the Director or his authorized representative. *The approved inspector is entitled to be present at the hearing, testify in his own behalf and have such other persons as he desires to be present to testify at the hearing.*

2. Failure of the approved inspector to petition the Director in writing for a hearing within the 30-day period constitutes an automatic suspension or revocation of the license.

~~[3. Upon filing the petition, a date for hearing will be fixed not later than 20 days after receipt of the request for a hearing, and the approved inspector is entitled to be present at the hearing, to testify in his own behalf and to have such other persons as he desires to be present to testify at the hearing.~~

~~—4. Within 10 days after the hearing, the Director or his authorized representative will make written findings of fact and conclusions of law and may, without limitation, suspend or revoke the license.]~~