

## **Chapter 445B of NAC**

**LCB File No. T013-09**

### **ADOPTED TEMPORARY REGULATION OF THE DEPARTMENT OF MOTOR VEHICLES**

**Filed with the Secretary of State on April 30, 2009**

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

AUTHORITY: §1, NRS 445B.770 (4) (c)

A REGULATION relating to inspections of motor vehicles owned by this State and any of its political subdivisions.

**Section 1.** NAC 445B.443 is hereby amended to read as follows:

**NAC 445B.443 “Person” defined.** “Person” *has the meaning ascribed to it in NRS 0.039 and* includes the Federal Government, the State of Nevada, or any of its political subdivisions and any other administrative agency, public or quasi-public corporation, or other legal entity.

**Section. 2.** NAC 445B.461 is hereby amended to read as follows:

**NAC 445B.461 Compliance by Federal Government, state agencies and political subdivisions.** (NRS 445B.210, 445B.770, 445B.785)

1. A license may be issued to the Federal Government or any *State* agency or political subdivision of the State to inspect motor vehicles owned by *the Federal Government*, the State or political subdivision for the purpose of compliance with NAC 445B.400 to 445B.735, inclusive.

2. The Federal Government or any state agency or political subdivision, in complying with NAC 445B.400 to 445B.735, inclusive, shall submit to the Department annually a list, in a form

prescribed by the Department, of those motor vehicles which are assigned license plates issued by the Department as described in NRS 482.368.

3. The holder of a license issued pursuant to subsection 1 is exempt from the requirements set forth in the following sections for the limited purposes indicated:

- (a) Bond, NAC 445B.465;
- (b) Evidence of compliance, NAC 445B.583 to 445B.586, inclusive;
- (c) Sign, NAC 445B.469; and
- (d) Use of waiver, NAC 445B.590.

**Section 3.** NAC 445B.595 is hereby amended to read as follows:

**NAC 445B.595 Inspections of vehicles owned by State or political subdivisions or operated on federal installations.**

1. Motor vehicles owned by the State or any of its political subdivisions which are provided distinguishing license plates issued by the Department must be inspected and certified annually if they are based in those areas where a program for the inspection of exhaust emissions has been put into effect.

2. Motor vehicles operated on federal installations located within an area requiring a program for the inspection of exhaust emissions must be inspected and certified annually. The provisions of this subsection:

- (a) Apply to all motor vehicles which are owned, leased or operated by an employee of, or military personnel stationed at, a federal installation;
- (b) Apply to all motor vehicles which are owned, leased or operated by any agency of the Federal Government on a federal installation;
- (c) Do not apply to tactical military vehicles operated on a federal installation; and

(d) Do not apply to motor vehicles which are owned, leased or operated on a federal installation by visiting federal employees or military personnel when the visit does not exceed 60 days within any 1 calendar year.

A federal installation shall annually submit to the Department evidence showing that it has complied with the provisions of this [paragraph.] **subsection** in a form prescribed by the Department.

**NOTICE OF ADOPTION OF TEMPORARY REGULATION**  
**LCB File T013-09**

The Department of Motor Vehicles submits the following statement. The Department adopts a temporary regulation assigned LCB File T013-09, which pertains to Chapter 445B of the Nevada Administrative Code, relating to motor vehicles. The regulation defines requirements for emission inspecting motor vehicles owned by the Federal Government, State of Nevada and political subdivisions within Nevada.

<sup>1</sup> WORKSHOP	<sup>1</sup> HEARING
<p>Friday; March 20, 2009 at 8:00 am</p> <p>Nevada Department of Transportation Large Meeting Room Third Floor 1263 South Stewart Street Carson City, Nevada 89712</p> <p>Nevada Department of Transportation Building B, Training Room 123 E Washington Street Las Vegas, Nevada 89101</p>	<p>Wednesday; March 25, 2009 at 9:00 am</p> <p>Nevada Department of Transportation Small Meeting Room Third Floor 1263 South Stewart Street Carson City, Nevada 89712</p> <p>Nevada Department of Transportation Building B, Training Room 123 E Washington Street Las Vegas, Nevada 89101</p>

<sup>1</sup> This workshop is being held by Video Conference

<sup>1</sup> This hearing is being held by Video Conference

Date of Adoption by Agency: March 25, 2009

**INFORMATIONAL STATEMENT**

**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 the public workshop and hearing for LCB File R013-09 on February 20<sup>th</sup>, 2009 by posting at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. The notice was posted at the main office of the public libraries in counties where the Department does not maintain an office. Special notice was also mailed to those persons who have requested to be placed on an Interested Parties special notice mailing list.

**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 the public workshop and hearing for LCB

File R013-09 on February 20<sup>th</sup>, 2009 by posting at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. The notice was posted at the main office of the public libraries in counties where the Department does not maintain an office. Special notice was also mailed to those persons who have requested to be placed on an Interested Parties special notice mailing list.

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

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

**The number of persons who attended each Public Workshop:** One individual attended the Public Workshop in Las Vegas on March 20<sup>th</sup>, 2009.

**A summary of testimony at each Public Workshop:** One individual representing a Federal Government Military Agency in Southern Nevada asked how this agency should comply with emission testing their fleet of vehicles. A DMV Services Manager representing the Department of Motor Vehicles explained that emission testing requirements in Nevada are the same for government vehicles owned by the Federal Government, State of Nevada and its political subdivisions. The individual also inquired about emission testing vehicles on test equipment no longer certified by the State of Nevada, because non-certified equipment was available at the Military base. The DMV Services Manager explained that using outdated test equipment to emission test vehicles owned by the Federal government would not be consistent with the emission testing requirements that vehicles owned by State of Nevada and its political subdivisions are subjected to. Inconsistent testing requirements, based on the type of Government agencies would defeat the goals of amending the regulations within LCB File R013-09.

**The number of persons who attended each Public Hearing:** There were no individuals that attended the Public Hearing on March 25<sup>th</sup>, 2009.

**A summary of testimony at each Public Hearing:** There was no comment at the Public Hearing on March 25<sup>th</sup>, 2009.

**A summary of written comments submitted to the agency:** The notice for the Public Workshop and Public Hearing invited written comments from the public and affected businesses, with a deadline for written comments to be received by March 19<sup>th</sup>, 2009. No written comment was received

**If the regulation was adopted without changing any part of the proposed regulation, list a summary of the reasons for adopting the regulation without change.** The Department adopts the temporary regulation language as written in the proposed document.

**List 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 affected businesses, 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.

**List 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.

**List 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, list the name of the regulating federal agency:** There are no other state or federal government agency regulations that this adopted regulation duplicates.

**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 no federal regulations that regulate the same activity as is the adopted regulation.

**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. A total fee amount is not expected to be collected or used.