

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

**LCB File No. R091-12**

Effective October 4, 2013

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

AUTHORITY: §1, NRS 482.160.

A REGULATION relating to vehicle registration; providing for the suspension of the registration of a vehicle which participates in the voluntary program of electronic monitoring of emission information for failure to comply with emissions standards; and providing other matters properly relating thereto.

**Section 1.** Chapter 482 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. If the Department determines that a vehicle that is part of a fleet which participates in the voluntary program of electronic monitoring of emission information established by section 2 of LCB File No. R052-12 is not in compliance with the provisions of NRS 445B.700 to 445B.845, inclusive, for at least 15 consecutive days, the Department will send an electronic notice to the owner or lessee of the fleet of vehicles which is not in compliance. The notice will include, without limitation:*

- (a) A description of the reason for noncompliance;*
- (b) The date by which the vehicle must be brought into compliance;*
- (c) The consequences of failing to:*

*(1) Comply with the provisions of NRS 445B.700 to 445B.845, inclusive, as provided in NRS 445B.835 and 445B.845; and*

- (2) Bring the vehicle into compliance within the time allowed as provided in subsection 3.*
- 2. If a vehicle is not in compliance with the provisions of NRS 445B.700 to 445B.845, inclusive, on or before the date set forth in the notice sent to the owner or lessee of the vehicle pursuant to subsection 1, the Department will send an additional notice to the owner or lessee that the registration of the vehicle will be suspended if the vehicle is not brought into compliance within 45 days after the electronic notice was sent pursuant to subsection 1.*
- 3. If the vehicle is not in compliance within the 45 days, the Department will suspend the registration of the vehicle until the owner or lessee of the vehicle demonstrates that the vehicle is in compliance with the provisions of NRS 445B.700 to 445B.845, inclusive.*
- 4. Upon request of the owner or lessee of a vehicle which is not in compliance with the provisions of NRS 445B.700 to 445B.845, inclusive, the Department may extend the date by which the owner or lessee is required to bring the vehicle into compliance.*

**INFORMATIONAL AND SMALL BUSINESS IMPACT STATEMENT OF ADOPTED  
REGULATIONS AS REQUIRED BY  
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
LCB FILE NO. R091-12  
August 15, 2013**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 482:

**1. A clear and concise explanation of the need for the adopted regulation.**

In 2009, legislation enacted an alternative type of emission tests for fleet vehicles. The Department did not act on it at that time as no fleets came forward to utilize this alternate method. The Department has recently been approached with this alternative method of emission testing vehicles and the method has been approved by the State Environmental Commission (SEC). This regulation would provide criteria to help the Department track and enforce emission tests conducted using alternate methods not previously regulated.

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

Copies of the proposed regulation, notices of workshop and notices of intent to act upon the regulations were sent out for posting by electronic mail to all DMV offices and county libraries where there is not a DMV office. They were also made available on the Department of Motor Vehicles website at [www.dmvnv.com/publicmeetings.htm](http://www.dmvnv.com/publicmeetings.htm). Small businesses were notified along with the general public and large businesses as described above. Comments from all parties are summarized below.

A Public Workshop was noticed on October 22, 2012, and held on November 13, 2012 at the Department of Transportation in Carson City and video-conferenced to the Department of Transportation in Las Vegas. Five members of the public attended. No testimony was given and the workshop was closed. The DMV did not receive written comments.

A Notice of Intent to Act upon the Regulations was noticed on October 22, 2012, and a public hearing was held on November 29, 2012. No members of the public attended. No testimony was given and the hearing was closed. No written comments were received.

A recording of the Public Workshop and Notice of Intent to Act upon the Regulations is on file at the Department of Motor Vehicles, Compliance Enforcement Division, 555 Wright Way, Carson City, Nevada 89711. Copies of this summary may be obtained by written request to Debbie Shope, Department of Motor Vehicles, Compliance Enforcement Division, 555 Wright Way, Carson City, Nevada, 89711.

**3. The number of persons who:**

**(a) Attended the workshop; 15**

**In attendance in Carson City – 6**

Debbie Shope, Department of Motor Vehicles (Workshop Officer)  
William Lyons, Department of Motor Vehicles  
Todd Pardini, Department of Motor Vehicles  
Sarah Arrington, Department of Motor Vehicles  
Glenn Smith, Department of Motor Vehicles  
Steve Yarborough, Fleet Solutions (public)

**In attendance in Las Vegas – 9**

Allan Lal, Department of Motor Vehicles  
Randy Buckner, Department of Motor Vehicles  
Jack Little, Department of Motor Vehicles  
Charles Chew, Department of Motor Vehicles  
Samantha Kilber, Department of Motor Vehicles  
Greg Hunt, Aggregate Industries (public)  
Lee Motis, Aggregate Industries (public)  
Quinn Winks, Terrible Herbst (public)  
Allen Kerr, Terrible Herbst (public)

**(b) Testified at the workshop; 1**

**(c) Submitted to the agency written statements; 0**

**(d) Attended the hearing;**

**In attendance in Carson City – 5**

Steven Bauder, Department of Motor Vehicles (Hearings Officer)  
William Lyons, Department of Motor Vehicles  
John Lee, Department of Motor Vehicles  
Sarah Arrington, Department of Motor Vehicles  
Sig Jaunarajs, Division of Environmental Protection  
John Sande, Fennemore, Craig, Jones, Vargas Law Firm (arrived after the hearing was adjourned) (public)

**In attendance in Las Vegas – 3**

Jack Little, Department of Motor Vehicles  
Samantha Kilber, Department of Motor Vehicles  
Bill Gray, Clark County Air Quality

**(e) Testified at the hearing - 0**

**(f) Submitted to the agency written statements – 0**

**4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information (if provided to the agency conducting the hearing):**

**(a) Name**

**(b) Telephone number;**

- (c) Business address;**
- (d) Business telephone number;**
- (e) Electronic mail address; and**
- (f) Name of entity or organization represented.**

- a. Steve Yarborough
- b. N/A
- c. 1575 E. Commercial Row, Reno, NV 89512
- d. 775-324-2222
- e. <http://www.ectownusa.net/members/directory/ectown/mappointments.php?mid=51577855>
- f. Sierra Car Care

**5. 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.**

Comments were solicited from small and large businesses using electronic mail and postings as described in Question 1 for both the Workshop and the Hearing. Steve Yarborough of Fleet Solutions commented (during the workshop) that large fleet owners will find the Department's intention of testing each fleet vehicle at a DMV lab when they start the program to be a hardship. (The comment is not directly related to the regulation as adopted.) Copies of the summary may be obtained by written request to Debbie Shope, Department of Motor Vehicles, Compliance Enforcement Division, 555 Wright Way, Carson City, Nevada 89711.

- (a) Information was gathered from the comments at a workshop and hearing. No comments related directly to the impact of continuous monitoring were received.

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

No changes were made as no public comment was received concerning the actual wording and scope of the regulation.

**7. 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 on affected businesses.**

Once implemented, the continuous monitoring program will allow fleet vehicles to pass their emission tests without having to go to an emissions station which will save fleet owners time and money. Adversely, they will have to take the time to bring the vehicles to a DMV emissions lab when the vehicle is enrolled in the program.

The adopted regulation and the continuous monitoring program should reduce traffic at emission stations for the general public and should have no adverse financial effect on the public. There will be an initial loss of 500 tests for small and large smog test stations.

**(b) Both immediate and long-term effects.**

The regulations will have a small immediate effect after fleets are enrolled in the new program. The Department estimates that smog stations of all sizes will lose the income from approximately 500 tests. This will be spread across the industry. That effect will continue into the future but will be an extremely small portion of the current 1.3 million yearly tests.

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

No additional costs to the agency are anticipated for the enforcement of the adopted regulations. The Compliance Enforcement Division of DMV already has investigators for enforcement purposes.

**9. 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, the name of the regulating federal agency.**

There are no other state regulations that are duplicated or overlapped by the adopted regulations.

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

The regulations are not more stringent than federal regulations.

**11. 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.**

The regulations do not provide new fees or increases in any existing fees.

**12. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business? What methods did the agency use in determining the impact of the regulation on small business?**

The Department of Motor Vehicles has determined that the adopted regulation does not impose a direct and significant economic burden on small businesses, nor will it restrict

the formation, operation or expansion of small businesses. The continuous monitoring program (which is governed by this regulation) is a voluntary program. Large or small businesses can choose to participate. By estimating the current number of fleet vehicles in the state at 500 - the Department estimates that smog stations in the state would lose 500 tests a year as a result of the fleet vehicles switching to a continuous monitoring system. This revenue loss would be spread between large and small businesses and represents .03% of the total yearly test volume of 1.3 million tests.

- a) **A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The department considered that a loss of .03% of total yearly income potential spread between 422 emission stations to be negligible. Population increase should more than supplant the loss.

- b) **The new regulation does not involve any new fee or fee increases.**

- c) **The reasons for the conclusion of the agency regarding the impact of the regulation on small businesses.**

The loss of emission test revenue to emission stations was such a small percentage of their yearly income (.03%), the Department deemed that the impact on affected businesses (of any size) would be minimal avoiding hardship to those businesses affected.

I attest that, to the best of my knowledge or belief, that .the information contained in this statement was prepared properly and is accurate.

/s/

9/25/2013

Troy L. Dillard  
Director  
Nevada Department of Motor Vehicles

Date