

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

LCB File No. R030-13

Effective October 4, 2013

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

AUTHORITY: §1, NRS 366.110 and 366.265, as amended by section 1 of Assembly Bill No. 464, chapter 441, Statutes of Nevada 2013, at page 2567.

A REGULATION relating to special fuel; establishing a fee for certain licensed special fuel users for the issuance of an identifying device; and providing other matters properly relating thereto.

Section 1. Chapter 366 of NAC is hereby amended by adding thereto a new section to read as follows:

A special fuel user must pay a fee of \$6 to the Department for each identifying device issued pursuant to subsection 1 of NRS 366.265, as amended by section 1 of Assembly Bill No. 464, chapter 441, Statutes of Nevada 2013, at page 2567, to defray the administrative cost of issuing the identifying device.

NOTICE OF ADOPTION OF REGULATION

The Nevada Department of Motor Vehicles adopted regulations assigned LCB File No. R030-13, which pertain to chapter number 366 of the Nevada Administrative Code, on September 10, 2013. A copy of the regulations as adopted is attached hereto.

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066 LCB FILE NO. R030-13 September 10, 2013

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 366:

1. 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 sent out by electronic mail to certain industry contacts that the Department keeps on record. They were also made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm.

A Public Workshop was noticed on July 9, 2013, and held on July 25, 2013 at the Nevada State Legislative Building in Carson City and video-conferenced to the Grant Sawyer Building in Las Vegas and Great Basin College in Elko. No members of the public or motor carrier industry attended. No written comments were submitted.

A Notice of Intent to Act upon the Regulations was noticed on August 2, 2013, and a public hearing was held on September 5, 2013. The hearing was held at the Nevada State Legislative Building in Carson City and video-conferenced to Las Vegas and Elko. However, due to technical difficulties, video-conferencing to Elko was not available. One member of the general public attended. There was no public testimony.

A recording of the Public Workshop and Notice of Intent to Act upon the Regulations is on file at the Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711. Copies of these minutes may be obtained by written request to Attention Pete Olson, Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711.

- 2. The number of persons who:**
- (a) Attended the workshop; 5**
- In attendance in Carson City – 3**
Jude Hurin, Department of Motor Vehicles (Workshop’s Hearing Officer)
Angela Smith, Department of Motor Vehicles
Cindy Arnold, Department of Motor Vehicles
- In attendance in Las Vegas – 1**
Kevin Malone, Department of Motor Vehicles
- In attendance in Elko – 1**
Laura Brown, Department of Motor Vehicles
- (b) Testified at the workshop; 0**
- (c) Submitted to the agency written statements; 0**
- (d) Attended the hearing; 6**
- In attendance in Carson City – 5**
Jude Hurin, Department of Motor Vehicles (Hearings Officer)
Sean McDonald, Department of Motor Vehicles
Angela Smith, Department of Motor Vehicles
Cindy Arnold, Department of Motor Vehicles
Lorne Malkiewich, R&R Partners
- In attendance in Las Vegas – 1**
Kevin Malone, Department of Motor Vehicles
Paul Danner, State Farm Insurance
- (e) Testified at the hearing - 0**
- (f) Submitted to the agency written statements – 0**
- 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.**
- Comments were solicited using electronic mail and postings as described in Question 1 for both the Workshop and the Hearing. Copies of the minutes may be obtained by written request to Attention Pete Olson, Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711.
- 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.**

Since there was no testimony either during the public workshop or the public hearing, the proposed regulations were adopted without change.

5. 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:

Business:

(a) Both adverse and beneficial effects; and

The proposed regulation will have an impact on businesses, specifically the trucking industry in Nevada. The impact to these businesses will not be significant. Motor carriers will pay the \$6 fee to defray the cost of producing and issuing the IFTA decal. Currently costs are paid out of the Highway Fund. The fee will be paid annually or when a replacement decal is needed.

(b) Both immediate and long-term effects.

The proposed regulation will have an immediate, but not significant, impact on businesses, specifically the trucking industry in Nevada. The Department has determined that there will be no long-term effect on this industry.

Public:

(a) Both adverse and beneficial effects; and

The Department has determined the proposed regulation will have a beneficial effect on the general public. The regulation will result in savings to Nevada taxpayers as the cost of producing and issuing the IFTA decal will no longer be paid out of the Highway Fund.

(b) Both immediate and long-term effects.

The Department has determined that the proposed regulation will have an immediate and long-term beneficial effect on the general public. The regulation will result in a savings to Nevada taxpayers as the cost of producing and issuing the IFTA decal will no longer be paid out of the Highway Fund. Since 2009 the Department has issued approximately 7,000 IFTA decals annually. This will result in a \$42,000 annual savings to the Highway Fund.

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

There is no additional cost to the Department of Motor Vehicles for the enforcement of the adopted regulations.

7. 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 or federal government agency regulations that are duplicated or overlapped by the adopted regulations.

8. 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 addressed in the adopted regulations.

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.

AB 464 was passed in the 2013 Legislative Session authorizing the Department of Motor Vehicles to charge a fee to defray the cost of an annual “identifying device” as required by the International Fuel Tax Association (IFTA). The regulation is needed in order to establish the fee amount.

The Department has proposed to set the annual fee at \$6. This amount is based on the average cost to the Department for the production and issuance of the IFTA decal.

The Department’s estimated annual total in fees collected is \$42,000. The money will be used to defray the cost of producing and issuing the decals.

10. 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?

During the 2013 Legislature the Department of Motor Vehicles worked closely with members of the trucking industry in Nevada on AB 464. The Department determined that the adopted regulation does not impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small businesses.