

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

LCB File No. R010-16

Effective June 28, 2016

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

AUTHORITY: §1, NRS 481.051 and 482.160.

A REGULATION relating to the control of emissions from engines; revising the requirements for registration of a motor vehicle temporarily being used and maintained in another state; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth certain measures for the control of emissions from engines by the State Environmental Commission and the Department of Motor Vehicles. (NRS 445B.700-445B.845) Existing law also: (1) requires the Director of the Department to adopt such regulations as the Director deems necessary for the operation of the Department and the enforcement of all laws administered by the Department; and (2) authorizes the Director to adopt and enforce such administrative regulations as are necessary to carry out statutory provisions governing the licensing, registration, sales and leases of motor vehicles and trailers. (NRS 481.051, 482.160)

Existing regulations require the owner of a motor vehicle whose vehicle is temporarily being used and maintained in another state but which is subject to registration in this State to submit with his or her application for registration or renewal of registration either proof of compliance with the required emissions standards in the state where the vehicle is located or a waiver from such testing, if applicable, in that state. Existing regulations further authorize the Department, after giving notice and an opportunity for a hearing, to suspend or cancel the vehicle registration of a registered owner of a motor vehicle who fails to comply with this requirement. (NAC 445B.5915)

This regulation requires the proof of compliance or waiver from compliance to be issued not more than 90 calendar days before the date that the owner of the motor vehicle submits his or her application for registration or renewal of registration.

Section 1. NAC 445B.5915 is hereby amended to read as follows:

445B.5915 1. The owner of a motor vehicle subject to registration in this State that requires testing for compliance with standards for emission control pursuant to this chapter and chapter 445B of NRS, but whose vehicle is temporarily being used and maintained in another state that also requires the testing of motor vehicles for compliance with standards for emission control, must submit with his or her application for registration or renewal of registration:

(a) Proof of compliance with the standards for emission control in the state in which the vehicle is temporarily being used and maintained; or

(b) A waiver from such testing based on the standards for waiver applicable in the state in which the vehicle is temporarily being used and maintained.

2. *The proof or waiver, as applicable, described in subsection 1 must have been issued not more than 90 calendar days before the date that the owner of the motor vehicle submits his or her application for registration or renewal of registration.*

3. If the registered owner of a vehicle subject to this section fails to comply with the provisions of subsection 1, the Department may, after notice and an opportunity for a hearing, suspend or cancel the registration of the vehicle.

June 3, 2016

Regulation Informational Statement

LCB File Number R010-16

Amendments to Chapter 445B.5915 of NAC

The following statement is submitted for adopted amendments to Chapter 445B of Nevada Administrative Code (NAC):

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

Existing regulations require the owner of a motor vehicle whose vehicle is temporarily being used and maintained in another state but which is subject to registration in this state to submit with his or her application for registration or renewal of registration either proof of compliance with the required emissions standards in the state where the vehicle is located or a waiver from such testing, if applicable, in that state.

Existing regulations further authorize the Department, after giving notice and an opportunity for a hearing, to suspend or cancel the vehicle registration of a registered owner of a motor vehicle who fails to comply with this requirement (NAC 445B.5915).

This regulation requires the proof of compliance or waiver from compliance to be issued not more than 90 calendar days before the date that the owner of the motor vehicle submits his or her application for registration or renewal of registration.

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 and the State of Nevada's, Public Notice Website at <https://notice.nv.gov>. 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 February 16, 2016, and held on April 4, 2016, at the Legislative Counsel Bureau (LCB) in Carson City and video-conferenced to the Legislative Counsel Bureau (LCB) in Las Vegas. No members of the public attended. No testimony was given and the workshop was closed. The DMV did not receive any written comments.

A Notice of Public Hearing was noticed on February 16, 2016, and a Public Hearing was held on April 5, 2016. No members of the public attended. No testimony was given and the hearing was closed. The DMV did not receive any written comments.

A recording of the Public Workshop and Public Hearing 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, Morgan Friend at the Department of Motor Vehicles, Compliance Enforcement Division, 555 Wright Way, Carson City, Nevada, 89711.

- 3. The number of persons who:**
 - a. Attended the workshop; 5**
 - i. In attendance in Carson City; 4**

Ivie Hatt, Department of Motor Vehicles
Morgan Friend, Department of Motor Vehicles
Glenn Smith, Department of Motor Vehicles
Faun Parks, Department of Motor Vehicles
 - ii. In attendance in Las Vegas; 1**

Steve Mayfield, Department of Motor Vehicles
 - b. Testified at the workshop; 0**
 - c. Submitted to the agency written statements; 0**
 - d. Attended the hearing; 3**
 - i. In attendance in Carson City; 2**

Ivie Hatt, Department of Motor Vehicles
Morgan Friend, Department of Motor Vehicles
 - ii. In attendance in Las Vegas; 1**

Steve Mayfield, Department of Motor Vehicles
 - 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.**
- 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 Public Workshop and the Public Hearing. There were no comments during the Public Workshop or the Public Hearing. Copies of the summary may be obtained by written request to, Morgan Friend at the Department of Motor Vehicles, Compliance Enforcement Division, 555 Wright Way, Carson City, Nevada, 89711.

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.

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:**

Business:

- a. **Both adverse and beneficial effects; and**

Adverse: The Department does not foresee an adverse economic effect of the adopted regulation.

Beneficial: No immediate or long-term economic benefit.

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

Same as (a) above.

Public:

- a. **Both adverse and beneficial effects; and**

Adverse: The Department does not foresee an adverse economic effect of the adopted regulation.

Beneficial: No immediate or long-term economic benefit.

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

Same as (a) above.

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

There is no additional costs to the Department of Motor Vehicles for the enforcement of the adopted regulation.

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 or federal regulations that are duplicated or overlapped by the update of this regulation.

