

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

**LCB FILE NO. R072-17I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 08/22/2017**

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PROPOSED REGULATION OF THE  
DEPARTMENT OF MOTOR  
VEHICLES

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

AUTHORITY: §1, NRS 445B.770, NRS 445B.800

A REGULATION relating to the Pollution Control Account; revising provisions governing local air pollution control agencies; eligibility, application, period of time, reporting, termination and prerequisites for grants.

~~NAC 445B.859 – Eligibility for grant. (NRS 445B.830) – An agency is eligible for a grant from the money allocated for grants in subsection 6 of NRS 445B.830 if the agency meets the requirements of that subsection and is:~~

- ~~—1. Responsible for preparing and submitting an implementation plan pursuant to 42 U.S.C. § 7407;~~
- ~~or~~
- ~~—2. Responsible for monitoring air pollution and enforcing air pollution control regulations.~~
- ~~— (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A 5-26-92; A by Dep't of Motor Veh. by R135-05, 2-23-2006)~~

~~NAC 445B.861 – Application for grant: Submission; contents. (NRS 445B.830)~~

- ~~—1. An application for a grant must be submitted to the Deputy Director of the Department of Motor Vehicles, the Administrator of the Division of Environmental Protection and the Chair of the Committee not later than April 1 preceding the fiscal year for which the grant is requested.~~
- ~~—2. The application must:~~
  - ~~—(a) Contain the name and address of the agency making the application;~~
  - ~~—(b) Contain the name and telephone number of any person responsible for coordinating the proposed project or, if there is no such person, the chief administrative officer of the applicant;~~
  - ~~—(c) Specify the fiscal year for which the grant is requested;~~
  - ~~—(d) State the specific objectives of the request;~~
  - ~~—(e) Contain a description of the manner in which the request is related to the improvement of air quality;~~
  - ~~—(f) Contain a statement of the work that is planned to be performed; and~~
  - ~~—(g) Set forth a program budget, itemized under applicable categories of expenditures, including, without limitation, professional services, personnel, travel, operating expenses and equipment.~~
- ~~— (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A 5-26-92; A by Dep't of Motor Veh. by R135-05, 2-23-2006)~~

**~~NAC 445B.863 — Application for grant: Action by Committee. (NRS 445B.830)~~**

~~—1. The Chair of the Committee shall schedule a meeting of the Committee not later than April 15 preceding the fiscal year for which the grant is requested.~~

~~—2. The Committee shall review the application at the meeting scheduled pursuant to subsection 1 and determine:~~

~~—(a) Whether the applicant is eligible for a grant;~~

~~—(b) Whether the request is related to the improvement of air quality;~~

~~—(c) The merit of the project; and~~

~~—(d) The likelihood of success of the project.~~

~~—3. Based upon its determinations, the Committee shall recommend that the application be approved as submitted, that it be approved with specified changes or that it be denied.~~

~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A by Dep't of Motor Veh. by R135-05, 2-23-2006)~~

**~~NAC 445B.865 — Application for grant: Consideration of Committee's recommendation; submission to Interim Finance Committee; agreement concerning grant. (NRS 445B.830)~~**

~~—1. The recommendation of the Committee concerning an application must be transmitted by the Chair of the Committee to the Deputy Director of the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection not later than 5 working days after the Committee conducted the review of the application pursuant to NAC 445B.863.~~

~~—2. The Administrator of the Division of Environmental Protection shall consider the recommendation of the Committee and shall approve the application, disapprove it or approve it pending revision of the application. The Administrator shall transmit his or her decision to the Deputy Director of the Department of Motor Vehicles not later than 10 working days after he or she receives the recommendation of the Committee.~~

~~—3. The Deputy Director of the Department of Motor Vehicles shall consider the recommendation of the Committee and shall approve the application, disapprove it or approve it pending revision of the application.~~

~~—4. If both the Deputy Director of the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection approve an application, the Deputy Director shall cause the proposed grant to be submitted for approval by the Interim Finance Committee.~~

~~—5. If the Interim Finance Committee approves the grant, the Deputy Director of the Department of Motor Vehicles shall enter into an agreement with the recipient of the grant, specifying the terms and conditions under which the grant is made.~~

~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A by Dep't of Motor Veh. by R135-05, 2-23-2006)~~

**~~NAC 445B.867 — Period of grant; return of unexpended money; authorization to expend money for additional fiscal year. (NRS 445B.830)~~**

~~—1. A grant must be awarded for a period of 2 fiscal years.~~

~~—2. Except as otherwise provided in subsection 4, if any money from a grant remains unexpended at the end of the period for which the grant is made, the recipient shall return any unexpended money to the Department of Motor Vehicles.~~

~~—3. Not later than 60 days before the expiration of the period authorized for the expenditure of money from a grant, the recipient of a grant may submit a request in writing to the Deputy Director of~~

the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection for authorization to expend money from a grant for an additional fiscal year. The request must include:

- (a) The name and address of the recipient submitting the request;
  - (b) The name and telephone number of any person responsible for coordinating the project or, if there is no such person, the chief administrative officer of the recipient;
  - (c) The reasons for which the request is submitted;
  - (d) A statement specifying the fiscal year during which the grant was originally awarded;
  - (e) A statement specifying the amount of work remaining on the project; and
  - (f) A statement specifying the amount of money that remains unexpended from the original grant.
- 4. If both the Deputy Director of the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection approve a request submitted pursuant to subsection 3, the Deputy Director, the Administrator and the recipient of the grant may enter into a written agreement authorizing the recipient to expend money from a grant for an additional fiscal year.
- (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A by Dep't of Motor Veh. by R135-05, 2-23-2006)

**~~NAC 445B.869 — Quarterly reports by recipient of grant. (NRS 445B.830)~~**

- 1. The recipient of a grant shall, during each fiscal year for which the grant is made, submit to the Deputy Director of the Department of Motor Vehicles quarterly reports on the status of the project supported by the grant. These reports are due no later than 45 days after October 1, January 1, April 1 and July 1, respectively.
- 2. Each report must, for the preceding quarter:
- (a) Contain a statement that sets forth:
    - (1) The date on which the request for the grant was approved by the Committee;
    - (2) The date on which the funding for the grant was approved by the Interim Finance Committee;
    - (3) The total amount of the money approved for the grant;
    - (4) The amount of money expended during each quarter since the approval of the grant; and
    - (5) The amount of money remaining unexpended from the grant;
  - (b) Contain a description of progress made toward completion of the stated objectives of the project;
  - (c) Include a narrative summary of noteworthy accomplishments and problems encountered in connection with the project;
  - (d) Contain an itemized list of approved expenditures, shown by budget category, that have been made; and
  - (e) Be accompanied by original invoices or other acceptable evidence of these expenditures.
- 3. Each report may be accompanied by:
- (a) Graphic or tabular displays;
  - (b) Media reports concerning the project; or
  - (c) Other related materials related to the project, such as papers prepared for professional meetings, published articles or brochures.
- (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A by Dep't of Motor Veh. by R135-05, 2-23-2006)

**~~NAC 445B.871 — Termination of grant or suspension of payments; denial of or refusal to consider application for grant. (NRS 445B.830)~~**

- 1. The Deputy Director of the Department of Motor Vehicles may terminate a grant or suspend payments of money pursuant to the grant for any of the following reasons, among others:

- ~~—(a) Failure or refusal of the recipient of the grant to submit any report required by NAC 445B.869;~~
- ~~—(b) Failure or refusal of the recipient to provide any information or assistance required in connection with any audit; or~~
- ~~—(c) Misuse or use for a nonapproved purpose of any money from the grant.~~
- ~~—2. The Deputy Director of the Department of Motor Vehicles may deny or refuse to consider an application for a grant made by a person who has previously violated any term or condition of a grant or of the provisions of NAC 445B.850 to 445B.871, inclusive.~~
  - ~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A by Dep't of Motor Veh. by R135-05, 2-23-2006)~~

~~**NAC 445B.873 — Prerequisites to award of grant. (NRS 445B.830)**~~

- ~~—1. Except as otherwise provided in subsection 2, the Department of Motor Vehicles shall award grants from the Pollution Control Account in accordance with subsection 6 of NRS 445B.830 if the Account contains sufficient money for this purpose.~~
- ~~—2. The Department of Motor Vehicles shall not award a grant from the Pollution Control Account for a proposed project or program unless the project or program is designed to improve or maintain the quality of air.~~
  - ~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 5-26-92; A by Dep't of Motor Veh. by R135-05, 2-23-2006)~~