

Chapter 445B of NAC

LCB File No. T006-04

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

**Filed with the Secretary of State on December 15, 2004**

**NAC 445B.850 Definitions.** As used in NAC 445B.850 to 445B.873, inclusive, unless the context otherwise requires:

1. "Committee" means the Advisory Committee on the Control of Emissions From Motor Vehicles created pursuant to NRS 445B.830.
2. "Division of Environmental Protection" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.
3. "Fiscal year" means the period from July 1 to June 30 of the succeeding year.

**NAC 445B.853 Advisory Committee on the Control of Emissions From Motor Vehicles:  
Creation; membership; Chairman.**

1. The Advisory Committee on the Control of Emissions From Motor Vehicles is hereby created.
2. The Committee consists of ~~10~~ **11** members appointed by the ~~appropriate~~ ~~the~~ Deputy ~~the~~ Director of the Department of Motor Vehicles. The deputy director shall appoint:
  - (a) Two persons who are representatives of the Department of Motor Vehicles;
  - (b) Two persons who are representatives of the Division of Environmental Protection;
  - (c) One person who is a representative of the Department of Transportation;
  - (d) ~~One~~ **Two** persons who ~~is a~~ **are** representatives of the Clark County ~~Health District~~ **Department of Air Quality and Environmental Management**;
  - (e) One person who is a representative of the Washoe County District Health Department;
  - (f) One person who is a representative of the ~~Clark County~~ Department of ~~Comprehensive Planning~~ **Agriculture**;
  - (g) One person who is a representative of the Truckee Meadows Regional Planning Agency;

(h) One person, as a nonvoting member, who is a representative of the United States Environmental Protection Agency, Region IX; and

(i) One person, as an alternate member, for each person described in paragraphs (a) to (h), inclusive.

3. The [appropriate] [d]Deputy [d]Director of the Department of Motor Vehicles shall:

(a) Appoint the members of the Committee from a list submitted by the chief administrative officer of each agency represented on the Committee.

(b) Designate one of the members of the Committee to act as its Chairman.

### **NAC 445B.855 Advisory Committee on the Control of Emissions From Motor Vehicles:**

#### **Term of Chairman; terms, salaries and removal of members.**

1. Unless he is removed pursuant to the provisions of subsection 3:

(a) The Chairman of the Committee serves in that capacity for a term of not more than 2 years, as determined by the [appropriate] [d]Deputy [d]Director of the Department of Motor Vehicles, and may be reappointed.

(b) Each member and alternate member of the Committee serves a term of 2 years and may be reappointed. Any person appointed to replace a member or alternate member before the expiration of his term serves during the unexpired portion of that term.

2. Members of the Committee serve without salary.

3. Any member or alternate member of the Committee must be removed upon written request for his removal made by the chief administrative officer of the agency he represents. Any such request must be submitted to the [appropriate] [d]Deputy [d]Director of the Department of Motor Vehicles.

### **NAC 445B.857 Advisory Committee on the Control of Emissions From Motor Vehicles:**

#### **Meetings; quorum; minutes.**

1. The Committee shall meet at least quarterly, or more frequently at the call of the Chairman, at the time and place designated by the Chairman.

2. A majority of all appointed members who are eligible to vote constitutes a quorum. The affirmative votes of a majority of the members present are necessary to adopt a recommendation or approve action.

3. The Chairman shall cause written minutes of each meeting to be made and shall forward a copy of the minutes to the ~~[appropriate]~~ ~~[d]~~Deputy ~~[d]~~Director of the Department of Motor Vehicles and to the Administrator of the Division of Environmental Protection.

**NAC 445B.859 Eligibility for grant.** An agency is eligible for a grant from the money allocated for grants in ~~[paragraph (a) of]~~ subsection 4 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.

**NAC 445B.861 Application for grant: Submission; contents.**

1. An application for a grant must be submitted to the ~~[appropriate]~~ ~~[d]~~Deputy ~~[d]~~Director of the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection 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 whether the grant is requested from dedicated funds or from excess money in the Pollution Control Account;
- (d) Specify the fiscal year for which the grant is requested;
- (e) State the specific objectives of the ~~[project]~~ *request*;
- (f) Contain a description of the manner in which the ~~[project will maintain air quality by reducing emissions from motor vehicles]~~ *request is related to the improvement of the quality of air*;
- (g) Contain a statement of the work *planned* to be performed ~~[in connection with the project, with a timetable for completion of the work]~~; and
- (h) Set forth a *program* budget ~~[for the project]~~, itemized under *applicable* categories of expenditures ~~[for]~~ *such as* personnel, travel, operating expenses and equipment.

**NAC 445B.863 Application for grant: Referral to and action by Committee.**

1. Each application for a grant that is properly completed and submitted in timely fashion to the ~~appropriate~~ ~~[d]~~Deputy ~~[d]~~Director of the Department of Motor Vehicles must be submitted by him to the Committee no later than April 15 preceding the fiscal year for which the grant is requested.

2. After it receives an application, the Committee shall review the application at its next meeting and determine:

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

(b) Whether the ~~project will further the objective of maintaining air quality by limiting or reducing emissions from motor vehicles~~ *application is related to the improvement of the quality of air*;

(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.

**NAC 445B.865 Application for grant: Consideration of Committee's recommendation; submission to Interim Finance Committee; agreement concerning grant.**

1. The recommendation of the Committee concerning an application must be transmitted by the Chairman of the Committee to the ~~appropriate~~ ~~[d]~~Deputy ~~[d]~~Director of the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection.

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 decision to the ~~appropriate~~ ~~[d]~~Deputy ~~[d]~~Director of the Department of Motor Vehicles within 10 working days after he receives the recommendation of the Committee.

3. The ~~appropriate~~ ~~[d]~~Deputy ~~[d]~~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 ~~appropriate~~ ~~[d]~~Deputy ~~[d]~~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 ~~appropriate~~ ~~(d)~~Deputy ~~(d)~~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.

**NAC 445B.867 Period of grant; return of unexpended money.**

1. A grant must be awarded for a period of 1 fiscal year.

2. If any money from a grant remains unexpended at the end of the fiscal year for which the grant is made, the recipient may use the money to continue the project for not more than 1 fiscal year after the termination date set forth in the agreement executed pursuant to NAC 445B.865. At the end of this period, the recipient shall return any unexpended money to the Department of Motor Vehicles ~~(d)~~ *unless an extension of time has been agreed to in writing by both the recipient and Department of Motor Vehicles.*

**NAC 445B.869 Quarterly reports by recipient of grant.**

1. The recipient of a grant shall, during the fiscal year for which the grant is made, submit to the ~~appropriate~~ ~~(d)~~Deputy ~~(d)~~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 description of progress made toward completion of the stated objectives of the project;

(b) Include a narrative summary of noteworthy accomplishments and problems encountered in connection with the project;

(c) Contain an itemized list of approved expenditures, shown by budget category, that have been made; and

(d) 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.

**NAC 445B.871 Termination of grant or suspension of payments; denial of or refusal to consider application for grant.**

1. The ~~appropriate~~ ~~d~~Deputy ~~d~~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 non-approved purpose of any money from the grant.

2. The ~~appropriate~~ ~~d~~Deputy ~~d~~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.

**NAC 445B.873 Prerequisites to award of grant.**

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 4 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. ~~[by limiting or reducing the emissions from motor vehicles.]~~

**NOTICE OF ADOPTION OF PROPOSED TEMPORARY REGULATION  
LCB File T006-04**

The Department of Motor Vehicles adopted regulations assigned LCB File No. T006-04 that pertain to chapter 445B of the Nevada Administrative Code on December 15, 2004.

**Notice date:** 10/04/04

**Workshop date:** 11/15/04

**Hearing date:** 11/15/04

**Date of adoption by agency:** 12/15/04

**Filing date:** 12/15/04

**INFORMATIONAL STATEMENT**

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

The Department of Motor Vehicles noticed public workshop and public hearing for LCB File T006-04 on October 04, 2004 by posting at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. In counties where the Department does not maintain an office, the notice was posted at the main office of the public libraries. The public workshop and hearing was held on November 15, 2004. A copy of written comments may be obtained by calling the Nevada Department of Motor Vehicles at (775) 684-4682 or by writing to the Department's Management Services and Programs Division at 555 Wright Way, Carson City, NV. 89711.

**2. The number persons who:**

**(a) Attended each hearing:** 0

**(b) Testified at each hearing:** 0

**(c) Submitted to the agency written comments:** 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 from businesses through postings as outlined in question one, and by direct mail to the Departments interested parties' lists. A copy of the written comments may be obtained by calling the Nevada Department of Motor Vehicles at (775) 684-4682 or by writing to the Departments Management Services and Programs Division at 555 Wright Way, Carson City, NV. 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.**

The temporary regulation will be adopted by the Department of Motor Vehicles on December 15, 2004 without any changes due to no public or business interest.

**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:**

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

- (a) The proposed revisions are not expected to have any immediate or long-term adverse or beneficial effect upon the regulated community.
- (b) The proposed revisions are not expected to have any immediate or long-term adverse or beneficial effect on the public.

**6. 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.

**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 government agency regulations that the proposed amendments duplicate.

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

The proposed regulations are in compliance with federal regulations and are not more stringent than federal requirements and 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.**

This regulation does not provide or involve a new fee, and hence since no fee is involved, there is not a total amount expected to be collected or used.