

LCB File No. R131-06

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

**NOTICE OF PUBLIC WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS FOR
THE DEPARTMENT OF MOTOR VEHICLES**

The Department of Motor Vehicles is proposing the adoption of a new regulation pertaining to Chapter 482 and amendments of regulations pertaining to Chapter 445B of the Nevada Administrative Code. A workshop has been set for:

**PUBLIC WORKSHOP
RENO**

Thursday November 09, 2006 at 10:30 am
Washoe County Health Department
1001 E. 9th St. Bldg. C, Room #110
Reno, NV. 89512

The purpose of this Workshop is to solicit comments from all interested persons regarding:

- NAC 482, relating to vehicle emissions; revising provisions governing vehicles that emit excessive fumes or smoke; and providing other matters properly relating thereto.
- NAC 445B, relating to vehicle emissions; revising the definition of “used motor vehicle”; revising the provisions governing the operation of certain test stations; and providing other matters properly relating thereto.
- NAC 445B, relating to vehicle emissions; revising provisions regarding advertising and fees for posting signs by authorized inspection stations that perform emission control tests; and providing other matters properly relating thereto.
- NAC 445B, relating to vehicle emissions; revising the application process for licensing as a test station; and providing other matters properly relating thereto.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Motor Vehicles may proceed immediately to act upon any written submissions.

There is no economic effect of the regulation on the public, nor is there a cost to the agency for enforcement of the proposed regulations

The proposed adoption of a new regulation pertaining to Chapter 482 and amendments of regulations pertaining to Chapter 445B of the Nevada Administrative Code do not overlap or duplicate that of any other state or local governmental agency. These regulations are not required pursuant to federal law, nor does the federal government regulate similar activities.

Persons wishing to comment upon the proposed action of the Department of Motor Vehicles may appear at the scheduled public workshops or may address their comments, data, views, or arguments, in written form to:

Ivie Harper
Department of Motor Vehicles
Compliance Enforcement Division
555 Wright Way, Carson City, NV 89711

Written submission must be received by Department of Motor Vehicles on or before November 09, 2006.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and regulations to be amended will be available at each of the Department of Motor Vehicles listed, and at the main public libraries listed, for inspection and copying by members of the public during business hours. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of workshop has been posted at the locations listed on the attached page.

THIS NOTICE HAS BEEN POSTED AT THE FOLLOWING LOCATIONS:

DEPARTMENT OF MOTOR VEHICLE BRANCH OFFICES

Office of the Director
555 Wright Way
Carson City, NV. 89711

1085 Highway 95
Hawthorne, NV. 89415

8250 West Flamingo Rd.
Las Vegas, NV. 89147

3030 S. Needles Highway, Ste. 900
Laughlin, NV. 89028

3920 E. Idaho St.
Elko, NV. 89801

1360 Basin Road
Pahrump, NV. 89060

178 Avenue F
Ely, NV. 89301

330 N. Sandhill Rd. Ste. H
Mesquite, NV. 89027

973 W. Williams Ave.
Fallon, NV. 89406

4021 W. Carey Ave.
N. Las Vegas, NV. 89030

400 Howerton Hill
Tonopah, NV. 89049

3505 Construction Way
Winnemucca, NV. 89445

215 West Bridge St. No. 9
Yerington, NV. 89447

1694 County Rd.
Minden, NV. 89423

305 Galletti Way
Reno, NV. 89512

1399 American Pacific Dr.
Henderson, NV. 89014

2701 E. Sahara Ave.
Las Vegas, NV. 89104

LIBRARIES

Goldfield Public Library
Fourth & Crook St.
Goldfield, NV. 89013

Lincoln County Library
93 Main St.
Pioche, NV. 89043

Eureka Branch Library
10190 Monroe St.
Eureka, NV. 89316

Battle Mountain Branch
625 Broad St.
Battle Mountain, NV. 89820

Pershing County Library
1125 Central Ave.
Lovelock, NV. 89419

Storey County Library
95 South R St.
Virginia City, NV. 89440

Nevada Tax Payers Association
501 S. Carson St. Ste.301
Carson City, NV. 89701

Mineral County Library
1125 Central Ave.
Hawthorn NV. 89419

Nevada State Library
100 North Stewart St.
Carson City, NV. 89701

NOTICE OF INTENT TO ACT UPON A REGULATION

**NOTICE OF PUBLIC HEARING
FOR THE ADOPTION AND AMENDMENT OF REGULATIONS OF THE
THE DEPARTMENT OF MOTOR VEHICLES**

The Department of Motor Vehicles is proposing the adoption of a new regulation pertaining to Chapter 482 and amendments of regulations pertaining to Chapter 445B of the Nevada Administrative Code. A hearing has been set for:

**PUBLIC HEARING
RENO**

December 06, 2006 at 10:30 am
South Valleys Library
15650 "A" Wedge View Parkway
Reno, NV. 89521

**PUBLIC HEARING
LAS VEGAS**

December 08, 2006 at 10:30 am
Community College of Southern Nevada
6375 W. Charleston, Bldg. D, Rm# 219
Las Vegas, NV. 89146

The purpose of this Hearing is to solicit comments from all interested persons regarding:

- NAC 482, relating to vehicle emissions; revising provisions governing vehicles that emit excessive fumes or smoke; and providing other matters properly relating thereto.
- NAC 445B, relating to vehicle emissions; revising the definition of "used motor vehicle"; revising the provisions governing the operation of certain test stations; and providing other matters properly relating thereto.
- NAC 445B, relating to vehicle emissions; revising provisions regarding advertising and fees for posting signs by authorized inspection stations that perform emission control tests; and providing other matters properly relating thereto.
- NAC 445B, relating to vehicle emissions; revising the application process for licensing as a test station; and providing other matters properly relating thereto.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Motor Vehicles may proceed immediately to act upon any written submissions.

There is no economic effect of the regulation on the public, nor is there a cost to the agency for enforcement of the proposed regulations

The proposed adoption of a new regulation pertaining to Chapter 482 and amendments of regulations pertaining to Chapter 445B of the Nevada Administrative Code do not overlap or duplicate that of any other state or local governmental agency. These regulations are not required pursuant to federal law, nor does the federal government regulate similar activities.

Persons wishing to comment upon the proposed action of the Department of Motor Vehicles may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form to:

Ivie Harper
Department of Motor Vehicles
Compliance Enforcement Division
555 Wright Way, Carson City, NV 89711

Written submission must be received by Department of Motor Vehicles on or before November 30, 2006.

A copy of this notice and the regulations to be adopted and/or amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and regulations to be amended will be available at each of the Department of Motor Vehicles listed, and at the main public libraries listed, for inspection and copying by members of the public during business hours. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the locations listed on the attached page.

THIS NOTICE HAS BEEN POSTED AT THE FOLLOWING LOCATIONS:

DEPARTMENT OF MOTOR VEHICLE BRANCH OFFICES

Office of the Director
555 Wright Way
Carson City, NV. 89711

1085 Highway 95
Hawthorne, NV. 89415

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Carson City, NV. 89701

LCB File No. R131-06

**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: NRS 445B.770; NRS 445B.785

A REGULATION relating to vehicle emissions; revising the provisions governing the operation of certain test stations;

NAC 445B.470 Test station: Display of licenses; availability of reference information. (NRS 445B.210, 445B.770, 445B.785)

1. The license to operate a test station and all licenses issued to approved inspectors must be displayed in a conspicuous place under glass or other transparent material within the test station.

2. Except as otherwise provided in subsection 3:

(a) A test station shall keep the operator's manual for its exhaust gas analyzer readily available to the approved inspector.

(b) A test station shall have readily available to the approved inspector a reference manual or equivalent information stating the emissions devices, which are required by state and federal law to be installed on each type of *used* motor vehicle *as defined by NRS 445B.758* that is inspected. The owner of the test station or his designee shall, upon the request of a representative of the Department, demonstrate the availability of *a current and up to date* ~~[the]~~ reference manual or equivalent information by accessing the manual or information.

(c) An authorized station or class 2 fleet station shall have readily available to the class 2 approved inspector reference information in the form of printed or electronic media explaining the operation and maintenance of the emissions devices which are required by state and federal

law to be installed on each type of *used* motor vehicle *as defined by NRS 445B.758*. The owner of the test station or his designee shall, upon the request of a representative of the Department, demonstrate the availability of *current and up to date* ~~the~~ reference information:

(1) If a telephone or facsimile transmission is not required to access the reference information, by accessing the reference information; and

(2) If the reference information is accessible only through the use of a telephone or facsimile transmission, by using the telephone or facsimile transmission to obtain and provide to the representative of the Department one copy of the reference information.

3. A fleet station is not required to maintain the specifications or instructions of the manufacturer for any motor vehicles other than those motor vehicles used and serviced by the fleet station.

NAC 445B.474 Test station: Failure to employ approved inspector. (NRS 445B.210, 445B.770, 445B.785)

1. Except as otherwise provided in subsections 2 and 3, a test station which does not employ an approved inspector of the appropriate rating shall:

(a) Immediately cease to operate as a test station;

(b) Remove or cover its sign as a test station;

(c) Not inspect any motor vehicle or issue any evidence of compliance; and

(d) Immediately notify the Department that an approved inspector of the appropriate rating is not employed by the test station.

(e) Not advertise emission test services

2. Except as otherwise provided in subsection 3, if an approved inspector of the appropriate rating is not employed within 60 days, the test station shall surrender its signs, its license as a test station and all of its forms and supplies to the Department.

3. An authorized station that ceases the employment of, or is otherwise not employing, a class 2 approved inspector:

(a) May continue to operate as an authorized station for not more than **60** ~~[120]~~ days after the last date of employment of the class 2 approved inspector if the authorized station:

(1) Is currently employing a class 1 approved inspector;

(2) Had actively employed a class 2 approved inspector who was working on the premises for at least 90 consecutive days immediately preceding the last date of employment of the class 2 approved inspector; and

(3) Notifies the Department within 2 working days after the last date of employment of the class 2 approved inspector; and

(4) May not diagnose, repair and service devices for the control of exhaust emissions on any motor vehicle, which has failed its most recent emission inspection required pursuant to Nevada Revised Statute 445B.795, subsection 1.

(b) If the authorized station does not qualify for the **60** ~~[120]~~-day grace period provided in paragraph (a) or fails to employ a class 2 approved inspector by the end of the **60** ~~[120]~~-day grace period, ***the authorized station*** shall:

(1) Immediately cease to operate as an authorized station;

(2) Remove or cover its sign as an authorized station;

(3) Not inspect any motor vehicle or issue any vehicle inspection report;

(4) Immediately notify the Department that an approved inspector of the appropriate rating is not employed by the authorized station; and

(5) Surrender its signs, its license as an authorized station and all of its forms and supplies to the Department.

(6) Not advertise emission test services

NAC 445B.475 Authorized station or class 2 fleet station: Requirements for employees.

(NRS 445B.785)

1. An employee of an authorized station or class 2 fleet station shall not perform any testing of exhaust emissions or perform any diagnosis, repair or servicing of devices for the control of exhaust emissions unless he is licensed as a class 1 approved inspector or class 2 approved inspector.

2. Each authorized station and class 2 fleet station shall have a class 2 approved inspector on the premises during all hours of business. A class 1 approved inspector *or service repair technician* employed by an authorized station or class 2 fleet station may diagnose, repair and service a device for the control of exhaust emissions only if his work is inspected and approved in writing by a class 2 approved inspector.

3. For purposes of this section, a service repair technician is defined as an individual who is employed at a test station to service and repair motor vehicles.

4. Only a class 2 approved inspector may diagnose, repair and service devices for the control of exhaust emissions on any motor vehicle, which has failed its most recent emission inspection required pursuant to Nevada Revised Statute 445B.795, subsection 1.