

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

**LCB File No. R136-06**

Effective March 23, 2007

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

AUTHORITY: §1, NRS 445B.830.

A REGULATION 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.

**Section 1.** NAC 445B.469 is hereby amended to read as follows:

445B.469 1. An authorized station or authorized inspection station shall post, in an area of the station that is accessible to and frequented by the public, all ~~[station]~~ signs or placards provided by the Department which:

- (a) Set forth the fee for the emission control test;
- (b) Set forth the fee for each vehicle inspection report number issued; and
- (c) Provide information regarding the program of this State for the inspection and maintenance of motor vehicles.

2. In addition to the requirements of subsection 1, an authorized station shall post, in an area of the station that is accessible to and frequented by the public, all ~~[station]~~ signs or placards provided by the Department which set forth the hourly labor rate charged by the authorized station.

3. An authorized station or authorized inspection station shall display at least one outdoor sign provided by the Department which is posted so that it is visible from the middle of the nearest roadway adjacent to the station.

4. For each sign posted by an authorized station or authorized inspection station that is provided by the Department, the Department will collect from the authorized station or authorized inspection station a fee based upon the actual costs incurred by the Department to produce the sign. ~~[The fee will be returned if the sign is returned to the Department in a reusable condition.]~~

5. An authorized station or authorized inspection station shall pay the costs of repairing and maintaining signs which are in its control.

*6. A business that has ceased to operate as an authorized station or authorized inspection station shall remove, within 2 business days after ceasing to operate, all signs or placards provided by the Department pursuant to this section and any other signs or placards referring to emission control tests posted or displayed at the business.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R136-06**

The Department of Motor Vehicles submits the following statement. The Department adopted regulations assigned LCB File R136-06, which pertain to Chapter 445B of the Nevada Administrative Code, a regulation relating to emissions; revising provisions regarding advertising and fees for posting signs by authorized inspection stations that perform emission control tests;

Workshop Notice Date: 10/18/2006  
Workshop dates: 10:30 am, Thursday, November 9<sup>th</sup>, 2006  
Washoe County Government Complex  
Building C, Room Number 110  
1001 East Ninth Street  
Reno, Nevada 89512

Hearing Notice Date: 10/18/2006

Hearing dates: 10:30 am, Wednesday, December 6<sup>th</sup>, 2006  
Washoe County South Valleys Library  
15650A Wedge Parkway  
Reno, Nevada 89511

10:30 am, Friday, December 8<sup>th</sup>, 2006  
Community College of Southern Nevada  
Building D, Room Number 219  
6375 West Charleston  
Las Vegas, Nevada 89146

Date of adoption by agency: January 23, 2007

**INFORMATIONAL STATEMENT**

**1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.** The Department of Motor Vehicles noticed public workshops for LCB File R136-06 on 10/18/2006 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. Special notice was also mailed to those persons who have requested to be placed on a special notice mailing list. A copy of written comments may be obtained by calling the Nevada Department of Motor Vehicles at (775) 684-4805, or by writing the Department's Compliance Enforcement Division at 555 Wright Way, Carson City, NV. 89711. No comment or testimony was given by any member of the public at the Public Workshops and Public Hearings. No written comments by any member of the public were submitted to the Department.

2. The number of persons who:

**(a) Attended each workshop:**

10:30 am, Thursday, November 9<sup>th</sup>, 2006  
Washoe County Government Complex  
Building C, Room Number 110  
1001 East Ninth Street  
Reno, Nevada 89512  
6 persons attended this Workshop

**(b) Attended each hearing:**

10:30 am, Wednesday, December 6<sup>th</sup>, 2006  
Washoe County South Valleys Library  
15650A Wedge Parkway  
Reno, Nevada 89511  
15 persons attended this Hearing

10:30 am, Friday, December 8<sup>th</sup>, 2006  
Community College of Southern Nevada  
Building D, Room Number 219  
6375 West Charleston  
Las Vegas, Nevada 89146  
4 persons attended this Hearing

**(c) Testified at each Workshop and Hearing:** DMV Services Manager III Lloyd Nelson acted as the Facilitator for the November 9<sup>th</sup>, 2006 Public Workshop. Lloyd Nelson provided an overview of the proposed regulation addition for Chapter 445B. Mr. Gary Keller, of Keller's Garage suggested that the Department refund interest to the licensee for the outdoor sign that is returned in reusable condition. The Department advised Mr. Keller that there is no mechanism in place for processing a refund on interest, and the Department would not support such a change. No other substantive input was delivered, or clarification sought at the public workshop regarding LCB File Number R136-06.

Presiding at the public hearing in Reno on December 6<sup>th</sup>, 2006 was Lars Tollefson, Administrative Law Judge, Nevada Department of Motor Vehicles. Present from the Department to direct the discussion and staff response was Lloyd Nelson, DMV Services Manager III, Compliance Enforcement Division.

DMV Services Manager III Lloyd Nelson testified substantially as follows:

Amendment is proposed to Nevada Administrative Code 445B.469 by adding new provisions and amending existing provisions pertaining to Department-provided signs which emission stations must post in various locations. The amendment would delete the current requirement

that the Department refund the fee for the required outdoor metal sign if the licensee returns the sign in a reusable condition. The amendment would also add the requirement that a business that has ceased to operate as an authorized station must remove Department-provided signs and other signs within two business days of ceasing to operate as an authorized station.

DMV Services Manager III Lloyd Nelson continued testimony as follows:

The Department's initial draft of the proposed regulation was transmitted to the Legislative Counsel Bureau, with a revised draft received, bearing LCB File Number R136-06, dated August 10, 2006. Written materials attached to the Notice of Public Hearing, and made available at this hearing include the LCB draft bearing LCB File Number R136-06.

Fifteen persons from the public or affected entities were in attendance at the public hearing and were invited to testify regarding the proposed regulation. No testimony was offered in Reno.

Presiding at the public hearing in Las Vegas on December 8<sup>th</sup>, 2006 was Toni Boone, Administrative Law Judge, Nevada Department of Motor Vehicles. Present from the Department to direct the discussion and staff response was Kyle Moss, Compliance Enforcement Investigator, and Ivie Harper, Compliance Enforcement Administrative Assistant.

Four persons from the public or affected entities were in attendance at the public hearing and were invited to testify regarding the proposed regulation. One person from the public and affected entities testified in Las Vegas. Mr. Joseph Evans of Towbin Infiniti testified in support of further amendment to Nevada Administrative Code Section 445B.469, to delete the current requirement in Sub-Section 3 that Department-provided outdoor signs be posted in locations so that they are visible from the middle of the nearest roadway adjacent to the licensee's station.

**(d) Submitted to the agency written comments:** A public hearing notice invited written comments from the public and affected agencies, with a deadline for receipt of written comments set at November 30, 2006. No written comments were received through the dates of the public hearings.

**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.** The Department of Motor Vehicles noticed public workshops for LCB File R136-06 on 10/18/2006 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. Special notice was also mailed to those persons who have requested to be placed on a special notice mailing list. Electronic Transmission Messages were sent by the Department on November 3<sup>rd</sup>, 2006 to each active emission analyzer located at Nevada emission stations advising of the upcoming public workshop content, date and location. Electronic Transmission Messages were sent by the

Department on November 29th, 2006 to each active emission analyzer located at Nevada emission stations advising of the upcoming public hearing content, dates and locations.

A copy of the minutes for the public workshop and public hearings may be obtained by contacting the Department of Motor Vehicles Compliance Enforcement Division by telephone at (775) 684-4805. A copy of the minutes for the public workshop and public hearings may be obtained by contacting the Department of Motor Vehicles Compliance Enforcement Division in writing at the following address:

Nevada Department of Motor Vehicles  
Compliance Enforcement Division  
555 Wright Way  
Carson City, Nevada 89711-0900  
Attention: Ivie Harper Administrative Assistant III

**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 Department shall evaluate the testimony addressing further amendments to Nevada Administrative Code 445B.469 that was provided by Mr. Joseph Evans, representing Towbin Nissan. Should the Department find that Mr. Evans recommendations have merit, they will be placed into a later proposed amendment. Since Mr. Evans testified in support of further amendments not related to the proposed amendments, which would require re-submittal of the proposed regulation changes to LCB for evaluation, the Department of Motor Vehicles submits LCB File Number R136-06 for adoption as proposed.

**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) There is no estimated economic effect on the regulated industry, either adverse or beneficial, nor immediate or long-term.

(b) There is no estimated economic effect on the public, either adverse or beneficial, nor immediate or long-term.

**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 federal government agency regulations that the proposed regulation 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.**

There are not federal regulations which regulate the same activity as the proposed regulation.

**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. There is not a total amount expected to be collected or used.