

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

LCB File No. R137-06

Effective March 23, 2007

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

AUTHORITY: §1, NRS 445B.785.

A REGULATION relating to vehicle emissions; revising the application process for licensing as a test station; and providing other matters properly relating thereto.

Section 1. NAC 445B.462 is hereby amended to read as follows:

445B.462 1. An application for a license to operate a test station must be filed on a form supplied by the Department. The applicant must:

(a) Specify in writing the type of license and, if applicable, the class of license and the rating or ratings for which he is applying; ~~[and]~~

(b) *Unless the applicant is a governmental entity, provide the federal identification number of the applicant's business; and*

(c) Furnish such proof as the Director deems necessary to determine whether the applicant is qualified to operate a test station, including, without limitation, proof that he is at least 18 years of age and has an established place of business in this State.

2. Before an application is approved, an authorized representative of the Department will inspect the premises. The Department will determine whether the premises and equipment comply with the requirements of the Department and whether the persons employed by the

applicant are adequately trained to perform the duties for which they are licensed or rated, as appropriate.

3. A license for:

(a) An authorized inspection station or class 1 fleet station will not be issued to an applicant unless he is a class 1 approved inspector or class 2 approved inspector, or he employs at least one class 1 approved inspector or class 2 approved inspector, with the rating or ratings for which the applicant is applying.

(b) An authorized station or class 2 fleet station will not be issued to an applicant unless he is a class 2 approved inspector, or he employs at least one class 2 approved inspector, with the rating or ratings for which the applicant is applying.

4. If the Department is satisfied that the applicant for a license to operate a test station is entitled to a license, it will issue him a license to operate a test station. The license will set forth the:

- (a) Name of the station;
- (b) Type and, if applicable, class of station;
- (c) Rating or ratings approved for the station;
- (d) Address of the established place of business of the licensee; and
- (e) Date on which the license expires.

5. As used in this section, "federal identification number" means:

- (a) Federal taxpayer identification number;***
- (b) Federal employer identification number;***
- (c) Social security number; or***
- (d) Any other identification number issued by the Internal Revenue Service.***

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R137-06

The Department of Motor Vehicles submits the following statement. The Department adopted regulations assigned LCB File R137-06, 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 9th, 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 6th, 2006
Washoe County South Valleys Library
15650A Wedge Parkway
Reno, Nevada 89511

10:30 am, Friday, December 8th, 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 R137-06 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 9th, 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 6th, 2006
Washoe County South Valleys Library
15650A Wedge Parkway
Reno, Nevada 89511
15 persons attended this Hearing

10:30 am, Friday, December 8th, 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 9th, 2006 Public Workshop. Lloyd Nelson provided an overview of the proposed regulation addition for Chapter 445B. Mr. Peter Krueger of the Nevada Emission Tester's Council sought assurance from the Department that only one form of identification would be required to meet the new requirement for a federal identification number. The Department assured Mr. Krueger that only one form of identification would be required. No other substantive input was delivered, or clarification sought at the public workshop regarding LCB File Number 137-06.

Presiding at the public hearing in Reno on December 6th, 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:

The Department proposes amendment to Nevada Administrative Code 445B.462 by adding new provisions and amending existing provisions pertaining to federal identification numbers

that shall be provided by applicants and licensees for all emission station licensing transactions conducted.

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 R137-06, dated August 18, 2006. Written materials attached to the Notice of Public Hearing, and made available at this hearing include the LCB draft bearing LCB File Number R137-06.

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 8th, 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. Two individuals from the public and affected entities testified in Las Vegas. Mr. Brian Keraly of Smog Busters testified in support of further amendment to the Nevada Administrative Code, to require that applicants and licensees provide proof of current liability insurance to the Department as part of all emission station licensing transactions conducted by the Department. Mr. Peter Krueger of the Nevada Emission Tester's Council testified that he agreed with Mr. Keraly.

(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 R137-06 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 3rd, 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 that were provided by Mr. Brian Keraly, representing Smog Busters and Mr. Peter Krueger, representing the Nevada Emission Tester's Council. Should the Department find that recommendations provided by Mr. Keraly and Mr. Krueger have merit, they will be placed into a later proposed amendment. Since Mr. Keraly and Mr. Krueger 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 R137-06 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.