

Chapter 445B of NAC

LCB File No. T020-06

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

**Filed with the Secretary of State on April 16, 2007**

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

AUTHORITY: NRS 445B.785

A REGULATION relating to vehicle emissions; revising the provisions governing approved test stations and inspectors; and providing other matters properly relating thereto.

**Sec. 1.** NAC 445B.464 is hereby amended to read as follows:

**NAC 445B.464 Test station: Hearing concerning denial, suspension or revocation of license.** (NRS 445B.785)

1. The applicant or licensee may, within 30 days after the receipt of the notice of denial or suspension or revocation, petition the Director in writing for a hearing which will be conducted by the Director or his authorized representative.

2. Upon filing the petition, a date for the hearing will be fixed no longer than ~~20~~ 90 days after the receipt of the request for hearing. The applicant or licensee is entitled to be present at the hearing, testify in his own behalf and have such other persons as he desires to be present to testify at the hearing.

3. Failure of the applicant or licensee to petition the Director in writing for a hearing within the 30-day period constitutes an automatic denial of the application or suspension or revocation of the license of the test station.

4. Within ~~10~~ 30 days after the hearing, *or as soon thereafter as is practicable*, the Director or his authorized representative will~~:~~

~~—(a) Grant or finally deny the application; or~~

~~—(b) Suspend or revoke the license.]~~ *make written findings of fact and conclusions of law and may, without limitation, grant or finally deny the application or suspend or revoke the license.*

5. Notwithstanding the provisions of subsections 1 to 4, inclusive, the Department may, if the Director finds that the action is necessary and in the public interest, upon notice to the licensee, temporarily suspend or refuse to renew the license for a period not to exceed 30 days. For good cause, the Director or his designee may extend the period of suspension of the license or continue to refuse to renew the license if he deems such action to be necessary and in the public interest. In any such case, a hearing must be held and a final decision rendered within 30 days after notice of the temporary suspension.

~~{Dep't of Motor Veh., Engine Emission Control Reg. § 4.10.1, eff. 1-10-78; A 12-20-79; § 4.10.2, eff. 1-10-78; § 4.10.2.1, eff. 12-20-79; § 4.10.3, eff. 1-10-78; A 12-20-79; § 4.10.4, eff. 1-10-78}~~—(NAC A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; R079-98, 9-25-98)

**NAC 445B.490 Hearing on suspension or revocation of license.** (NRS 445B.785)

1. The approved inspector may, within 30 days after receipt of the notice of suspension or revocation, petition the Director, in writing, for a hearing which will be conducted by the Director or his authorized representative.

2. Failure of the approved inspector to petition the Director in writing for a hearing within the 30-day period constitutes an automatic suspension or revocation of the license.

3. Upon filing the petition, a date for hearing will be fixed not later than ~~[20]~~ **90** days after receipt of the request for a hearing, and the approved inspector is entitled to be present at the hearing, to testify in his own behalf and to have such other persons as he desires to be present to testify at the hearing.

4. Within ~~[10]~~ **30** days after the hearing, *or as soon thereafter as is practicable*, the Director or his authorized representative will make written findings of fact and conclusions of law and may, without limitation, suspend or revoke the license. *For good cause, and upon agreement of all the parties, the 30 days may be extended.*

~~{Dep't of Motor Veh., Engine Emission Control Reg. § 4.14.1, eff. 1-10-78; A 12-20-79; § 4.14.2, eff. 1-10-78; § 4.14.2.1, eff. 12-20-79; § 4.14.3, eff. 1-10-78; A 12-20-79}~~—(A by R066-05, 2-23-2006)

**NOTICE OF ADOPTION OF TEMPORARY REGULATION  
LCB File No. T020-06**

The Department of Motor Vehicles adopted temporary regulations assigned LCB File No. T020-06 which pertain to chapter 445B of the Nevada Administrative Code on February 20, 2007.

**INFORMATIONAL STATEMENT**

The Department of Motor Vehicles submits the following statement. The Department adopted temporary regulations assigned LCB File T020-06, which pertain to Chapter 445B of the Nevada Administrative Code, a regulation relating to emissions; revising provisions regarding administrative hearings

Public Workshop and Hearing Notice Date: 12/5/2006

Public Workshop and Hearing dates: 1:00 PM Thursday, January 18<sup>th</sup>, 2007

University of Phoenix Building  
Atrium Annex, Room 780  
333 North Rancho Road  
Las Vegas, Nevada 89106

10:00 AM, Wednesday, January 24<sup>th</sup>, 2007

Washoe County Government Complex  
Building "C", Room 110  
1001 East Ninth Street  
Reno, Nevada 89512

Date of Adoption By Agency: February 20<sup>th</sup>, 2007

**INFORMATIONAL STATEMENT**

**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 T020-06 on 12/5/2006 by posting at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. The notice was posted at the main office of the public libraries in counties where the Department does not maintain an office. 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.

**The number of persons who attended each Public Workshop and Hearing:**

Seven individuals attended the Public Workshop and Hearing in Las Vegas on January 18<sup>th</sup>, 2006. Seven individuals attended the Public Workshop and Hearing in Reno on January 24<sup>th</sup>, 2006.

**Testified at each Workshop and Hearing:** No comment was received from individuals attending the January 18<sup>th</sup>, 2007 Public Workshop and Hearing in Las Vegas. Two individuals attending the January 24<sup>th</sup>, 2007 Public Workshop and Hearing in Reno provided comment. One individual stated that they were not in favor of the open-ended time frame for scheduling an administrative hearing and for rendering a decision after a hearing was held. One individual recommended extending the time frame for scheduling a hearing from 30 days to 90 days. The same individual also recommended extending the time frame from 10 days to 30 days for rendering a hearing decision.

**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 January 15, 2007. No written comment was received.

**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 T020-06 on 12/5/2006 by posting at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. The notice was posted at the main office of the public libraries in counties where the Department does not maintain an office. Special notice was also mailed to those persons who have requested to be placed on a special notice mailing list. An Electronic Transmission Message was sent by the Department on January 10<sup>th</sup>, 2007 to each active emission analyzer located at Nevada emission stations, advising of the upcoming Public Workshop and Hearing content, date and location.

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

**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 considered the testimony provided at the Public Workshop and Hearing held in Reno on January

24<sup>th</sup>, 2007. The time frames recommended for both scheduling a hearing and determining and outcome for the hearing were incorporated into the Adopted Temporary Regulation, LCB File T020-06.

**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.

**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.

**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.

**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 that regulate the same activity as the proposed regulation.

**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. A total fee amount is not expected to be collected or used.