

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

LCB File No. R014-09

Effective January 28, 2010

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

AUTHORITY: §§1-3, NRS 445B.785 and 481.051.

A REGULATION relating to inspections of motor vehicles in this State owned by the Federal Government; and providing other matters properly relating thereto.

Section 1. NAC 445B.443 is hereby amended to read as follows:

445B.443 “Person” *has the meaning ascribed to it in NRS 0.039 but* includes the Federal Government, the State of Nevada, or any of its political subdivisions and any other administrative agency, public or quasi-public corporation, or other legal entity.

Sec. 2. NAC 445B.461 is hereby amended to read as follows:

445B.461 1. A license may be issued to the Federal Government or any state agency or political subdivision of the State to inspect motor vehicles owned by the *Federal Government, the State or the* political subdivision for the purpose of compliance with NAC 445B.400 to 445B.735, inclusive.

2. The Federal Government or any state agency or political subdivision, in complying with NAC 445B.400 to 445B.735, inclusive, shall submit to the Department annually a list, in a form prescribed by the Department, of those motor vehicles which are assigned license plates issued by the Department as described in NRS 482.368.

3. The holder of a license issued pursuant to subsection 1 is exempt from the requirements set forth in the following sections for the limited purposes indicated:

- (a) Bond, NAC 445B.465;
- (b) Evidence of compliance, NAC 445B.583 to 445B.586, inclusive;
- (c) Sign, NAC 445B.469; and
- (d) Use of waiver, NAC 445B.590.

Sec. 3. NAC 445B.595 is hereby amended to read as follows:

445B.595 1. Motor vehicles owned by the State or any of its political subdivisions which are provided distinguishing license plates issued by the Department must be inspected and certified annually if they are based in those areas where a program for the inspection of exhaust emissions has been put into effect.

2. Motor vehicles operated on federal installations located within an area requiring a program for the inspection of exhaust emissions must be inspected and certified annually. The provisions of this subsection:

- (a) Apply to all motor vehicles which are owned, leased or operated by an employee of, or military personnel stationed at, a federal installation;
- (b) Apply to all motor vehicles which are owned, leased or operated by any agency of the Federal Government on a federal installation;
- (c) Do not apply to tactical military vehicles operated on a federal installation; and
- (d) Do not apply to motor vehicles which are owned, leased or operated on a federal installation by visiting federal employees or military personnel when the visit does not exceed 60 days within any 1 calendar year. A federal installation shall annually submit to the Department

evidence showing that it has complied with the provisions of this ~~paragraph,~~ *subsection*, in a form prescribed by the Department.

NOTICE OF ADOPTION OF REGULATION

The Department of Motor Vehicles adopted regulations assigned LCB File No. R014-09, which pertain to chapter 445B of the Nevada Administrative Code on December 31, 2009. A copy of the regulations as adopted is attached hereto.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066 LCB FILE R014-09

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 445B.

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.

Copies of the proposed regulation, notices of Public Workshop and Hearing and notices of intent to act upon the regulation were sent by U.S. mail and email to all interested persons who have requested notification of proposed regulation amendments. The documents relating to the proposed regulation amendments were made available on the Department of Motor Vehicles website at: www.dmvnv.com/publicmeetings.htm. The proposed regulation amendment documents were posted at all county libraries in Nevada where there is not a Department of Motor Vehicles Office and at the following Department locations:

Department of Motor Vehicles
555 Wright Way
Carson City, Nevada 89701

Department of Motor Vehicles
305 Galletti Way
Reno, Nevada 89520

Department of Motor Vehicles
3920 East Idaho Street
Elko, Nevada 89801

Department of Motor Vehicles
178 N Avenue F
Ely, Nevada 89301

Department of Motor Vehicles
973 West Williams Street
Fallon, Nevada 89406

Department of Motor Vehicles
1085 Highway 95
Hawthorne, Nevada 89415

Department of Motor Vehicles
1399 American Pacific Drive
Las Vegas, Nevada 89074

Department of Motor Vehicles
8250 West Flamingo Road
Las Vegas, Nevada 89147

Department of Motor Vehicles
2701 East Sahara Avenue
Las Vegas, Nevada 89104

Department of Motor Vehicles
7170 North Decatur Blvd
Las Vegas, Nevada 89131

Department of Motor Vehicles
3030 South Needles Highway
Laughlin, Nevada 89028

Department of Motor Vehicles
330 North Sandhill Road
Mesquite, Nevada 89027

Department of Motor Vehicles
1780 East Basin Avenue
Pahrump, Nevada 89060

Department of Motor Vehicles
1137 South Main Street #C-8
Tonopah, Nevada 89049

Department of Motor Vehicles
3505 Construction Way
Winnemucca, Nevada 89445

Department of Motor Vehicles
215 West Bridge Street #9
Yerington, Nevada 89447

A Public Workshop was noticed on June 17, 2009 and held on July 13, 2009 to discuss the proposed amendments to the regulations pertaining to emission testing of government owned vehicles. No member of the general public, government agency or affected business industry provided any comment or testimony during the Public Workshop. The Department did not receive written comment from any member of the public, government agency or affected business industry.

A Public Hearing was noticed on June 17, 2009 and held on August 31, 2009 to obtain comment and testimony regarding the proposed amendments to the regulations pertaining to emission testing of government owned vehicles. No member of the general public, government agency or affected business industry provided any comment or testimony during the Public Hearing. The Department did not receive written comment from any member of the public, government agency or affected business industry.

After holding the Public Workshop and Public Hearing, the Department of Motor Vehicles discovered through discussion with the Nevada Division of Environmental Protection that a definition of person contained in the proposed language did not correspond with the definition the United States Environmental Protection Agency anticipated to be used for the language amendment. The proposed language contained the definition of person as defined in NRS 41B.150. The United States Environmental Protection Agency anticipated the definition of a person as defined in NRS 0.039 would be used for the language amendment. The Department of Motor Vehicles chose to request a revision to the proposed language, and hold a subsequent Public Hearing, since the regulation amendment was being carried out as part of an approved air quality plan for Washoe County.

A Public Hearing was noticed on October 27, 2009 and held on December 11, 2009 to obtain comment and testimony regarding the revised proposed amendments to the regulations pertaining to emission testing of government owned vehicles. No member of the general public, government agency or affected business industry provided any comment or testimony during the Public Hearing. The Department did not receive written comment from any member of the public, government agency or affected business industry.

A copy of the minutes for the public workshop held on July 13, 2009 and public hearings held on August 31, 2009 and December 11, 2009 may be obtained by contacting the

Department of Motor Vehicles Compliance Enforcement Division, 555 Wright Way, Carson City Nevada 89701, (775) 684-4805, or email to iharper@dmv.nv.gov

2. The number persons who:

- | | | |
|-----|--|---|
| (a) | Attended the July 13, 2009 workshop: | 9 |
| (b) | Provided comment at the July 13, 2009 workshop: | 0 |
| (c) | Attended the August 31, 2009 hearing: | 2 |
| (d) | Provided testimony at the August 31, 2009 hearing: | 0 |
| (e) | Attended the December 11, 2009 hearing: | 6 |
| (f) | Provided testimony at the December 11, 2009 hearing: | 0 |
| (e) | Submitted written comment to the agency: | 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 affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #1.

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 permanent regulation was adopted on December 31, 2009 using the revised proposed language.

5. List 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) Both adverse and beneficial effects

The regulation amendments shall have no adverse or beneficial economic effect. The amendments found in LCB File No. R014-09 has been initiated at the request of the United States Environmental Protection Agency (USEPA), in relation to recent approval of the Washoe County Air Quality State Implementation Plan. The proposed amendments clarify how all government agencies comply with Nevada emission requirements. USEPA believed previous existing language placed an extra burden on Federal Government agencies when complying with Nevada emission requirements, compared to other Government agencies.

- (b) Both immediate and long-term effects

The regulation amendments shall have no immediate or long-term economic effect. The amendments found in LCB File No. R014-09 has been initiated at the request of the United States Environmental Protection Agency (USEPA), in relation to recent approval of the

Washoe County Air Quality State Implementation Plan. The proposed amendments clarify how all government agencies comply with Nevada emission requirements. USEPA believed previous existing language placed an extra burden on Federal Government agencies when complying with Nevada emission requirements, compared to other Government agencies.

6. List 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. List 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, list the name of the regulating federal agency.

There are no other state or federal government agency regulations that the proposed amendments duplicates.

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 no federal regulations that regulate the same activity as is the adopted 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. A total fee amount is not expected to be collected or used.

10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business. or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?

The Department of Motor Vehicles has determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. The regulation does not directly affect small business, as the intent of the regulation amendments solely focus on consistent emission compliance for vehicles owned by Governmental agencies.