

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

LCB File No. R208-09

Effective June 30, 2010

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 motor vehicles; revising requirements for certain information provided to owners or operators of motor vehicles that do not pass an emission inspection by authorized inspection stations or authorized stations; and providing other matters properly relating thereto.

Section 1. NAC 445B.5895 is hereby amended to read as follows:

445B.5895 1. An authorized inspection station shall provide a *current* list of authorized stations *and an emissions fact sheet, both made available by the Department pursuant to subsection 3*, to the owner or operator of a motor vehicle ~~[that fails]~~ *for which the result of an inspection ~~[:]~~ is anything other than “pass” or for which the inspection cannot be completed.*

2. An authorized station shall provide a *current* list of authorized stations *and an emissions fact sheet, both made available by the Department pursuant to subsection 3*, to the owner or operator of a motor vehicle ~~[that fails]~~ *for which the result of an inspection is anything other than “pass” or for which the inspection cannot be completed* if that station does not perform emission *control* system repairs on that particular vehicle or if the vehicle is being removed from the authorized station before repairs have begun or have been completed.

3. The Department will ~~provide or~~ make available a *current* list of authorized stations *and an emissions fact sheet* to each authorized inspection station and authorized station in this State

by:

(a) ~~Having a Department representative provide a~~ *Making an electronic* copy of the list ~~to a test station in conjunction with its monthly audit conducted pursuant to subsection 4 of NAC 445B.472.]~~ *and the emissions fact sheet available for a test station to print from an exhaust gas analyzer connected to the state electronic data transmission system; and*

(b) Posting and updating, at least twice monthly, an electronic copy of the list *and the emissions fact sheet* on the Department's website.

4. *The emissions fact sheet made available by the Department pursuant to this section must clearly explain the actions that may be taken by the owner or operator of a motor vehicle for which the result of an inspection is anything other than "pass" or for which the inspection cannot be completed, including, without limitation, possible corrective alternatives.*

**NOTICE OF ADOPTION OF REGULATION
LCB FILE R208-09**

The Department of Motor Vehicles adopted regulations assigned LCB File No. R208-09, which pertain to chapter 445B of the Nevada Administrative Code on April 16, 2010. A copy of the regulation as adopted is attached hereto.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066**

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 215
Winnemucca, Nevada 89445

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

A Public Workshop was noticed on October 27, 2009 and held on December 11, 2009 to discuss the proposed amendments to the regulation for providing emission program informational materials to motorists who have a vehicle which does not pass the emissions test. No member of the general public, or affected business industry provided any comment or testimony during the Public Workshop. The Northern Region Supervising Emission Control Officer with the Department of Motor Vehicles Compliance Enforcement Division made one minor comment regarding the 1G and 2G acronyms used to identify test only or test and repair emission stations. 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 February 24, 2010 and held on April 8, 2010 to discuss the proposed amendments to the regulation for providing emission program informational materials to motorists who have a vehicle which does not pass the emissions test. One member of the affected business industry and one Investigator representing the Department of Motor Vehicles Compliance Enforcement Division provided comment 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 December 11, 2009 and public hearing held on April 8, 2010 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:

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|--|-----------|
| (a) Attended the December 11, 2009 workshop: | 9 |
| (b) Provided comment at the December 11, 2009 workshop: | 1 |
| (c) Attended the April 8, 2010 hearing: | 12 |
| (d) Provided testimony at the April 8, 2010 hearing: | 2 |
| (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 April 16, 2010 using the revised proposed language. One member of the regulated industry stated that the authorized test station list printed from the emissions analyzer should have the date in which the list was last updated and the date the list is printed from the emissions analyzer. An investigator with the Department made testimony for a change within subsection two of the proposed amendments which notes the Department shall provide the most recent list of authorized test stations.

The item addressed by the member of the regulated industry is procedural, and would require programming changes to the system. This request will be submitted to the Department of Motor Vehicle's Information Technology Division for evaluation, and if feasible the enhancements will be added to the system.

Language similar to what was provided by the Department investigator at the Public Hearing has been added to subsection two of the proposed adopted amendments.

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. R208-09 updates the regulation language to reflect the current means of providing program information materials to motorists who have a vehicle which did not pass the emissions inspection.

(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. R208-09 updates the regulation language to reflect the current means of providing program information materials to motorists who have a vehicle which did not pass the emissions inspection.

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 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 no federal regulations that regulate the same activity as addressed in 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 amendments are intended to update the methods developed by the Department of Motor Vehicles to provide program information materials to approved emission inspectors so that they may provide the information their customers who have a vehicle which does not pass the emission test.