

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

**LCB File No. R136-10**

Effective May 5, 2011

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

AUTHORITY: §§1-3, NRS 445B.830.

A REGULATION relating to air controls; making various changes to provisions relating to the Advisory Committee on the Control of Emissions From Motor Vehicles; and providing other matters properly relating thereto.

**Section 1.** NAC 445B.853 is hereby amended to read as follows:

445B.853 1. The Advisory Committee on the Control of Emissions From Motor Vehicles is hereby created.

2. The Committee consists of 11 members appointed by the Deputy Director of the Department of Motor Vehicles. The Deputy Director shall appoint:

- (a) Two persons who are representatives of the Department of Motor Vehicles;
- (b) Two persons who are representatives of the Division of Environmental Protection;
- (c) Two persons who are representatives of the Clark County Department of Air Quality and Environmental Management;
- (d) One person who is a representative of the Department of Transportation;
- (e) One person who is a representative of the State Department of Agriculture;
- (f) ~~[One person]~~ *Two persons* who ~~[is a representative]~~ *are representatives* of the Washoe County District Health Department;
- (g) ~~[One person who is a representative of the Truckee Meadows Regional Planning Agency;~~

~~—(h)~~ One person, as a nonvoting member, who is a representative of the United States Environmental Protection Agency, Region IX; and

~~[(+)]~~ *(h)* One person, as an alternate member, for each person described in paragraphs (a) to ~~[(h)]~~ *(g)*, inclusive.

3. The Deputy Director of the Department of Motor Vehicles shall:

(a) Appoint the members of the Committee from a list submitted by the chief administrative officer of each agency represented on the Committee.

(b) Designate one of the members of the Committee to act as its ~~[(Chairman)]~~ *Chair*.

*(c) Designate one of the members of the Committee to act as its Vice Chair. The Vice Chair must perform the duties of the Chair in the absence of the Chair.*

**Sec. 2.** NAC 445B.855 is hereby amended to read as follows:

445B.855 1. Unless ~~[(he is)]~~ removed pursuant to the provisions of subsection 3:

(a) The ~~[(Chairman)]~~ *Chair and the Vice Chair* of the Committee ~~[(serves)]~~ *serve* in that capacity for a term of not more than 2 years, as determined by the Deputy Director of the Department of Motor Vehicles, and may be reappointed.

(b) Each member and alternate member of the Committee serves a term of 2 years and may be reappointed. Any person appointed to replace a member or alternate member before the expiration of his term serves during the unexpired portion of that term.

2. Members of the Committee serve without salary.

3. Any member or alternate member of the Committee must be removed upon written request for his removal made by the chief administrative officer of the agency he represents. Any such request must be submitted to the Deputy Director of the Department of Motor Vehicles.

**Sec. 3.** Notwithstanding the provisions of NAC 445B.855, upon the expiration of the current term of the members of the Advisory Committee on the Control of Emissions From Motor Vehicles, one of the persons appointed to serve as a member of the Advisory Committee pursuant to paragraphs (a) to (d), inclusive, and (f) of subsection 2 of NAC 445B.853 shall serve for a term of 3 years, and for a term of 2 years for each term thereafter.

## NOTICE OF ADOPTION OF REGULATION

The Department of Motor Vehicles adopted regulations assigned LCB File No. R136-10, which pertain to Chapter 445B of the Nevada Administrative Code on February 1, 2011. A copy of the regulations as adopted is attached hereto.

### LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066 LCB FILE R136-10

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](http://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 October 18, 2010 and held on November 3, 2010 to discuss the proposed amendments relating to the membership and the terms of service of the Advisory Committee on the Control of Emissions From Motor Vehicles. No member of the general public 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.

A public hearing was noticed on December 28, 2010 and held on January 31, 2011 to obtain comment and testimony regarding the proposed amendments relating to the membership and the terms of service of the Advisory Committee on the Control of Emissions From Motor Vehicles. No member of the general public, government agency or affected business 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 November 3, 2010 and public hearing held on January 31, 2011 may be obtained by contacting the Department of Motor Vehicles Compliance Enforcement Division, Attention Ivie Hatt, 555 Wright Way, Carson City NV. 89701, (775) 684-4623, or email to [ihatt@dmv.nv.gov](mailto:ihatt@dmv.nv.gov)

**2. The number of persons who:**

- |                                                         |   |
|---------------------------------------------------------|---|
| (a) Attended the November 3, 2010 workshop:             | 7 |
| (b) Provided comment at the November 3, 2010 workshop:  | 0 |
| (c) Attended the January 31, 2011 hearing:              | 0 |
| (d) Provided testimony at the January 31, 2011 hearing: | 0 |

**3. A description of how comment was solicited from affected businesses, a summary of their responses and an explanation of how 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 February 1, 2011 using the 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 will have no adverse or beneficial economic effect on regulated businesses.

The regulation amendments will have no adverse or beneficial economic effect on the general public.

(b) Both immediate and long-term effects

The regulation amendments will have no immediate or long-term economic effect on regulated businesses.

The regulation amendments will have no immediate or long-term economic effect on the general public.

- 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 would be duplicated by the proposed amendments.

- 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 agency used deductive reasoning to determine that if the amendment has no economic effect on any business, than it has no economic effect on small business.