

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

LCB File No. R092-12

Effective October 4, 2013

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

AUTHORITY: §§1-3, NRS 445B.785.

A REGULATION relating to motor vehicles; setting forth the period of validity for certain evidence of compliance with requirements for the control of emissions; requiring sellers of used motor vehicles to provide to buyers of such vehicles evidence of compliance that does not expire before the expiration date of the temporary placards for the vehicles; and providing other matters properly relating thereto.

Section 1. Chapter 445B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *Evidence of compliance is valid for a period of 90 calendar days after the date of issuance by a test station.*

Sec. 3. *A seller of a used motor vehicle that is required pursuant to subsection 2 of NRS 445B.800 to provide to the buyer of the used motor vehicle evidence of compliance shall provide evidence of compliance that does not expire before the expiration date of the temporary placard issued for the used motor vehicle pursuant to NRS 482.424.*

**INFORMATIONAL AND SMALL BUSINESS IMPACT STATEMENT OF ADOPTED
REGULATIONS AS REQUIRED BY
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB FILE NO. R092-12
August 15, 2013**

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

1. A clear and concise explanation of the need for the adopted regulation.

The Department is adding a new section to NAC 445B to define the length of time an emission test is valid for registration purposes when the vehicle is purchased from a vehicle dealer. NRS 445B.800 currently states that the seller of a used vehicle is required to complete a dealer's report of sale, but it does not define the time frame that the emission test is valid. This proposed regulation would also require dealers to make sure that a current emission test will be valid as long as the temporary placard is valid.

2. A description of how public comment was solicited, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notices of workshop and notices of intent to act upon the regulations were sent out for posting by electronic mail to all DMV offices and county libraries where there is not a DMV office. They were also made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm. Small businesses were notified along with the general public and large businesses as described above. Comments from all parties are summarized below.

A Public Workshop was noticed on October 22, 2012, and held on November 13, 2012 at the Department of Transportation in Carson City and video-conferenced to the Department of Transportation in Las Vegas. Five members of the public attended. No testimony was given and the workshop was closed. The DMV did not receive written comments.

A Notice of Intent to Act upon the Regulations was noticed on October 22, 2012, and a public hearing was held on November 29, 2012. No members of the public attended. No testimony was given and the hearing was closed. No written comments were received.

A recording of the Public Workshop and Notice of Intent to Act upon the Regulations is on file at the Department of Motor Vehicles, Compliance Enforcement Division, 555 Wright Way, Carson City, Nevada 89711. Copies of this summary may be obtained by written request to Debbie Shope, Department of Motor Vehicles, Compliance Enforcement Division, 555 Wright Way, Carson City, Nevada, 89711.

3. The number of persons who:

(a) Attended the workshop; 15

In attendance in Carson City – 6

Debbie Shope, Department of Motor Vehicles (Workshop Officer)
William Lyons, Department of Motor Vehicles
Todd Pardini, Department of Motor Vehicles
Sarah Arrington, Department of Motor Vehicles
Glenn Smith, Department of Motor Vehicles
Steve Yarborough, Fleet Solutions (public)

In attendance in Las Vegas – 9

Allan Lal, Department of Motor Vehicles
Randy Buckner, Department of Motor Vehicles
Jack Little, Department of Motor Vehicles
Charles Chew, Department of Motor Vehicles
Samantha Kilber, Department of Motor Vehicles
Greg Hunt, Aggregate Industries (public)
Lee Motis, Aggregate Industries (public)
Quinn Winks, Terrible Herbst (public)
Allen Kerr, Terrible Herbst (public)

(b) Testified at the workshop; 0

(c) Submitted to the agency written statements; 0

(d) Attended the hearing;

In attendance in Carson City – 5

Steven Bauder, Department of Motor Vehicles (Hearings Officer)
William Lyons, Department of Motor Vehicles
John Lee, Department of Motor Vehicles
Sarah Arrington, Department of Motor Vehicles
Sig Jaunarajs, Division of Environmental Protection
John Sande, Fennemore, Craig, Jones, Vargas Law Firm (arrived after the hearing was adjourned) (public)

In attendance in Las Vegas – 3

Jack Little, Department of Motor Vehicles
Samantha Kilber, Department of Motor Vehicles
Bill Gray, Clark County Air Quality

(e) Testified at the hearing - 0

(f) Submitted to the agency written statements – 0

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information (if provided to the agency conducting the hearing):

(a) Name;

(b) Telephone number;

- (c) **Business address;**
- (d) **Business telephone number;**
- (e) **Electronic mail address; and**
- (f) **Name of entity or organization represented.**

No testimony.

5. **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 small and large businesses using electronic mail and postings as described in Question 1 for both the workshop and the hearing. No comments or testimony was given by anyone in attendance. Copies of the summary may be obtained by written request to Debbie Shope, Department of Motor Vehicles, Compliance Enforcement Division, 555 Wright Way, Carson City, Nevada 89711.

Analysis was conducted by survey and summation of available comments.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

No changes were made as no public comment was received concerning the actual wording and scope of the regulation.

7. **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 on affected businesses.**

Once implemented, this provision will allow used vehicle buyers to register their vehicles without an additional emissions test. Under old regulations the emissions test could expire before the deadline for registration.

The only adverse effect is that used car dealers may have to occasionally conduct an additional emissions test before releasing a vehicle to a buyer. This should have no effect on large or small businesses.

- (b) **Both immediate and long-term effects.**

The regulations will have no estimated immediate or long-term economic effect on businesses or on the public.

8. **The estimated cost to the agency for enforcement of the adopted regulation.**

No additional costs to the agency are anticipated for the enforcement of the adopted regulations. The Compliance Enforcement Division of DMV already has investigators for enforcement purposes.

9. **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 regulations that are duplicated or overlapped by the adopted regulations.

10. **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The regulations are not more stringent than federal regulations.

11. **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.**

The regulations do not provide new fees or increases in any existing fees.

12. **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 small business?**

The Department of Motor Vehicles has determined that the adopted regulation does not impose a direct and significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small businesses.

- a) **A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

There is no impact on businesses of any size as a result of this change. This is basically making 445B NAC match what is in NRS 482 for requirements for registration purposes.

- b) The new regulation does not involve any new fee or fee increases.

- c) **The reasons for the conclusion of the agency regarding the impact of the regulation on small businesses.**

- 1) This change involves a very minor change in procedure. It will require car dealerships to occasionally conduct an extra emission test which will not impact the dealership.

I attest that, to the best of my knowledge or belief, that the information contained in this statement was prepared properly and is accurate.

/s/

9/25/2013

Troy L. Dillard
Director
Nevada Department of Motor Vehicles

Date