

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS  
AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
LCB FILE NO. **R070-17**  
*January 4, 2018*

1. The following statement is submitted for adopted amendments to Nevada Administrative Codes (NACs) 445B.580, 445B.585, 445B.589, 445B.850, 445B.859, 445B.861, 445B.863, 445B.865, 445B.867, 445B.869, 445B.871, and 445B.873.

**(a) A clear and concise explanation of the need for the adopted regulation.**

The Department of Motor Vehicles is proposing to revise regulations relating to vehicle emissions, clarifying regulation language relating to gas or fuel cap failures and re-inspection requirements. These revisions specify that re-inspections must be conducted at a test station or by a technician of the Department of Motor Vehicles Emission Control Lab when a vehicle has failed an inspection due to an improper fuel or gas cap.

The Department of Motor Vehicles is proposing to revise regulations relating to the Pollution Control Account, repealing language relating to grants. These amendments create consistency with Nevada Revised Statute 445B.830.

**(b) A description of how public comment was solicited, a summary of the public response, and an explanation of how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notice of the Public Workshops, and notice of intent to act upon the regulations were sent out for posting by electronic mail to all OMV offices and county libraries where there is no OMV office. They were also made available on the Department of Motor Vehicles website and sent by electronic mail to all Emission Control Station Managers and Inspectors.

A Public Workshop was noticed on September 22, 2017, and held on October 16, 2017, at the Nevada State Legislative building in Carson City, and video-conferenced to the Grant Sawyer building in Las Vegas. At the time of the workshop the regulations were assigned LCB File Number R070-17. Four members of the general public attended the workshop. One member of the public provided testimony and was in support of the proposed amendments in the workshop.

Included for revision in the original submission of amendment to the language of NAG 445B.580, NAG 445B.585, NAG 445B.589, NAG 445B.850, and NAG 445B.859 through NAG 445B.873 was the correction of the spelling of the word "Restrictor". As the incorrect spelling of "Restrictor" was found in other areas of Chapter 445B of Nevada Administrative Code, the Legislative Council Bureau

added NAC 445B.579 and NAC 445B.590 to the Department's proposal in an effort to correct the spelling of "Restrictor" throughout all regulations.

As a result of the additional regulations being added into the proposal, Glenn Smith, the Supervising Emission Control Officer with the Department of Motor Vehicles, Compliance Enforcement Division provided testimony in the workshop requesting amendments be made to the additional regulations, clarifying waiver requirements.

The Department updated the proposed language with the recommended revisions and resubmitted the proposal to the Legislative Council Bureau for review and approval. Upon review of the recommended amendments, the Legislative Council Bureau determined that the language for NAC 445B.579 and NAC 445B.590 should not have been added into the proposed language. This determination resulted in the Legislative Council Bureau removing the proposed amendments for NAC 445B.579 and NAC 44B.590.

The Legislative Council Bureau advised the Department that in order to amend the language proposed to the regulations added by the Legislative Council Bureau and discussed for amendment in the Public Workshop on October 16, 2017, the Department must work with the Nevada Division of Environmental Protection.

This information was disclosed in a second Public Workshop. The second Public Workshop was noticed on October 18, 2017, and held on November 6, 2017, at the Nevada State Legislative building in Carson City, and video-conferenced to the Grant Sawyer building in Las Vegas. At the time of the workshop, the regulations were assigned LCB File Number R070-17RP1. No members of the general public attended the workshop.

A Notice of Intent to Act upon the Regulations was noticed on October 18, 2017, and a Public Hearing was held on December 4, 2017. The hearing was held at the Nevada State Legislative building in Carson City and video-conferenced to the Grant Sawyer building in Las Vegas. No members of the general public attended the hearing.

Recordings of the Public Workshops and Notice of Intent to Act upon the Regulations are on file at the Department of Motor Vehicles, Compliance Enforcement Division, 555 Wright Way, Carson City, 89711. Copies of these minutes may be obtained by written request to Attention: Morgan Friend, DMV Management Analyst, Department of Motor Vehicles, Compliance Enforcement Division, 555 Wright Way, Carson City, Nevada 89711.

**(c) The number of persons who:**

**(1) Attended each hearing: 4**

- (2) Testified at the hearing: 0
- (3) Submitted to the agency written statements: 0
- (d) For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing.
  - (1) Name:
  - (2) Telephone number:
  - (3) Business address:
  - (4) Business telephone number:
  - (5) Electronic mail address:
  - (6) Name of entity or organization represented:
- (e) A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited using electronic mail and postings as described in Question (b) for both the workshops and the hearing. They were also solicited by electronic mail to all Emission Control Station Managers and Inspector contacts that the Department keeps on record. They were also made available on the Department of Motor Vehicles website at [www.dmvnv.com/publicmeetings.htm](http://www.dmvnv.com/publicmeetings.htm).

- (f) 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 relating to the proposed amendments presented at the second workshop, held on November 6, 2017.

- (g) The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

Business:

- (1) Both adverse and beneficial effects; and

No adverse or beneficial economic effect to businesses.

- (2) Both immediate and long-term effects.

No immediate or long-term effects to businesses.

Public:

- (1) Both adverse and beneficial effects; and

No adverse or beneficial economic effect to the public.

- (2) Both immediate and long-term effects.

No immediate or long-term effects to the public.

- (h) The estimated cost to the agency for enforcement of the proposed regulation.

There are no additional costs to the agency for enforcement of the adopted regulations.

- (i) A description of any regulations of other state or government agencies which 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 update to these regulations.

- (j) If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The update to these regulations are not more stringent than federal regulations.

- (k) If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner which the money will be used.

There are no fees associated with the proposed regulatory changes.