

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

LCB File No. R139-09

Effective January 28, 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 outdoor signs posted at authorized emission stations; and providing other matters properly relating thereto.

Section 1. NAC 445B.469 is hereby amended to read as follows:

445B.469 1. An authorized station or authorized inspection station shall post, in an area of the station that is accessible to and frequented by the public, all signs or placards ~~[provided]~~ *required* by the Department which:

(a) Set forth the fee for the emission control test;

(b) Set forth the fee for each vehicle inspection report number issued; and

(c) Provide information regarding the program of this State for the inspection and maintenance of motor vehicles.

2. In addition to the requirements of subsection 1, an authorized station shall post, in an area of the station that is accessible to and frequented by the public, all signs or placards provided by the Department which set forth the hourly labor rate charged by the authorized station.

3. An authorized station or authorized inspection station shall display at least one outdoor sign *that must be created from a template* provided by the Department which is posted so that

~~It~~ *the sign* is visible from the middle of the nearest roadway adjacent to the station. *The Department will make the template readily available upon request.*

4. ~~[For each sign posted by an authorized station or authorized inspection station that is provided by the Department, the Department will collect from the authorized station or authorized inspection station a fee based upon the actual costs incurred by the Department to produce the sign.]~~ *The outdoor sign required to be displayed pursuant to subsection 3 must:*

(a) *Be at least 23 inches in width and 30 inches in height;*

(b) *Have white as the background color;*

(c) *Have black letters displaying the words:*

(1) *“Nevada Authorized Emission Station” in print which is at least 2 1/8 inches in height; and*

(2) *“Department of Motor Vehicles” in print which is at least 1 1/8 inches in height;*

(d) *Include a reproduction of the logo used by the Compliance Enforcement Division of the Department displaying the words “clean air” that is at least 8 1/8 inches in height; and*

(e) *Be made of either:*

(1) *Aluminum that is at least .063 inches in thickness; or*

(2) *Twelve-gauge steel.*

5. *The outdoor sign required pursuant to subsection 3 may be single-sided with all of the information included on one side of the sign, or double-sided with all of the information included on both sides of the sign.*

6. An authorized station or authorized inspection station shall pay the costs of ~~[repairing]~~ *producing* and maintaining signs which are in its control.

~~{6.}~~ 7. A business that has ceased to operate as an authorized station or authorized inspection station shall remove, within 2 business days after ceasing to operate, all signs or placards ~~{provided}~~ *required* by the Department pursuant to this section and any other signs or placards referring to emission control tests posted or displayed at the business.

NOTICE OF ADOPTION OF REGULATION

The Department of Motor Vehicles adopted regulations assigned LCB File No. R139-09, which pertain to chapter 445B of the Nevada Administrative Code on December 31, 2009. A copy of the regulation as adopted is attached hereto.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066 LCB FILE R139-09

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 regulation for obtaining emission signs required to be displayed at authorized stations and authorized inspection stations. 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.

After the Public Workshop was held on July 13, 2009, the Department of Motor Vehicles discovered that the proposed regulation did not include the type of material to be used in the manufacture of the emission signs. A request to revise the proposed regulation, to include the types of material the emission signs were to be manufactured of was submitted to the Legislative Council Bureau. A revised copy of the proposed regulation was returned to the Department in November 2009.

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 regulation for obtaining emission signs required to be displayed at authorized stations and authorized inspection stations. No member of the general public or government agency provided any comment or testimony during the Public Hearing. One representative of the affected business industry, a Service Director with a new motor vehicle dealership in Reno asked if the Department had researched the difference in price emission station operators should expect to pay for obtaining individual signs from a private vendor. A DMV Services Manager representing the Department of Motor Vehicles replied that a staff member had called the sign company the agency currently does business with to order the signs in large quantities. The sign company informed the Department staff member that they will charge station operators about ten dollars more for purchasing one individual sign than they charge the Department per sign, for a large order. A representative of an emission supply company based in Las Vegas then provided testimony, stating that they will offer signage meeting regulatory specifications in vinyl appliqué which can be applied over the steel as specified in regulation. The cost for providing the signs in this manner will be much lower than expected. 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 hearing held on 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 December 11, 2009 hearing: 6**
- (d) **Provided testimony at the December 11, 2009 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 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. R139-09 will allow emission station operators to obtain required emission station signs from anyone they choose. A sign template shall be provided upon request by the Department which will be used to produce the sign. Current providers of signs to the Department may continue to produce and market signs directly to emission station operators.

(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. R139-09 will allow emission station operators to obtain required emission station signs from anyone they choose. A sign template shall be provided upon request by the Department which will be used to produce the sign. Current providers of signs to the Department may continue to produce and market signs directly to emission station operators.

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. Based upon the information obtained by Department staff from current sign providers, and comments from a business intending to market signs at the December 11, 2009 Public Hearing, emission station operators will expect to see a minimal, or perhaps even no increase in sign costs when purchasing individual signs. All outdoor signs currently displayed at emission test stations will remain in use. The regulation amendment specifically addresses the manner in which new emission station applicants licensed from this point forward will obtain outdoor signs, and how existing emission test stations can obtain a new sign to replace or supplement existing signs.