

## **Permanent Regulation - Filing Statement**

### **Nevada Division of Environmental Protection Bureaus of Air Pollution Control and Air Quality Planning**

Legislative Review of Adopted Regulations as Required  
by Administrative Procedures Act, NRS 233B.066

### **State Environmental Commission (SEC) LCB File No. R130-09 SEC # P2009-03**

**Regulation R130-09; Changes to Motor Vehicle Emission Program:** This regulation aligns the motor vehicle inspection and maintenance (I/M) program with recent changes made in statute (Assembly Bill 414) during the 2009 Nevada Legislative session. These changes affect the smog check programs in Washoe and Clark Counties. The regulation addresses three types of vehicles subject to the annual registration-enforced emissions control program: heavy-duty diesel-powered vehicles, trimobiles and reconstructed vehicles.

AB 414 requires that 1968 model year and newer heavy-duty diesel-powered vehicles with a manufacturer's gross vehicle weight rating of 14,000 pounds or less be subject to annual emissions testing. This is a weight increase, up from a 10,000 pound manufacturer's gross vehicle weight rating previously required for heavy-duty diesel-powered vehicles. About 9,500 additional diesel-powered vehicles (including 1-ton pickups and dual rear wheel pickups) are expected to become subject to annual inspection.

Trimobile, as defined in NRS 482.129, means every motor vehicle designed to travel with three wheels in contact with the ground, two being power driven. Many trimobiles cannot be emission tested because they have motorcycle engines. R130-09 exempts trimobiles classified as motorcycles, but requires trimobiles not classified as motorcycles to receive the annual emissions test. There are less than 200 of this type of vehicle registered statewide. They will be emission tested using standards based upon the year the engine was built. This change provides the Department of Motor Vehicles (DMV) field staff with criteria to exempt trimobiles classified as motorcycles, which cannot be emission tested using current emissions equipment.

Reconstructed vehicle, as defined in NRS 482.100, means any vehicle that has been assembled or constructed largely by means of essential parts, new or used, derived from different vehicles or makes of vehicles. There are only around 200 of this type of vehicle registered statewide. Because these vehicles are built from parts of different vehicles, it was difficult to decide which model year emission standards to apply to these vehicles. This regulation requires reconstructed vehicles be emission tested using emission standards based upon the year the engine was built. This change

provides the DMV field staff with criteria to test reconstructed vehicles for emission compliance.

**1. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.** The Nevada Division of Environmental Protection, Bureau of Air Quality Planning held two public workshops on the above referenced regulation at the locations noted below.

<b>RENO</b>	<b>LAS VEGAS</b>
October 6, 2009	October 7, 2009
2:00 PM to 4:00 PM	2:00 PM to 4:00 PM
South Valleys Library Community Room	Clark County Public Guardian Building Main Conference Room
15650A Wedge Parkway Reno, NV	515 Shadow Lane Las Vegas, NV

Following the workshops, the State Environmental Commission (SEC) held a public hearing to consider the regulation on Wednesday, December 09 2009. The hearing was held at the Nevada Department of Wildlife's Conference Room A, 1100 Valley Road, Reno, Nevada. The SEC hearing agenda was posted at the meeting location, at the State Library in Carson City, and at the Offices of the Division of Environmental Protection in Carson City and Las Vegas. Copies of the agenda, the public notice, and the proposed regulation were also made available to all public libraries throughout the state as well as to individuals on the SEC electronic and ground-based mailing lists.

The public notice for the regulation was published on Monday November 23 and 30, 2009, and on December 7, 2008 in the Las Vegas Review Journal and Reno Gazette Journal newspapers. Information about the regulation was also made available on the SEC website at: [http://www.sec.nv.gov/main/hearing\\_1209.htm](http://www.sec.nv.gov/main/hearing_1209.htm).

**2. The number persons who attended the SEC Regulatory Hearing:**

- (a) Attended December 09, 2009 hearing; 20 (approx.)
- (b) Testified on this Petition at the hearing: 1 (1 DMV Staff)
- (c) Submitted to the agency written comments: 0

**3. 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.**

This regulation does not directly impact any businesses. The smog check industry will be indirectly affected by a slight increase in business. They were informed of the proposed changes as noted in number 1 above.

**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 State Environmental Commission adopted the regulation with out any changes.

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.**

The regulation does not regulate any business. The regulation requires businesses or members of the public who register one of the affected vehicles in Clark County or Washoe County to have an annual vehicle emissions test performed at a nominal cost. We estimate that approximately 9,500 diesel-powered vehicles in the 10,000 to 14,000 pound weight-range will become subject to the emissions testing program as a result of this amendment.

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

There will be no additional costs to the Division of Environmental Protection or the Department of Motor Vehicles for enforcement of the amendment.

**7. 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.**

This regulation does not duplicate any other federal, state or local regulation.

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

The regulation is not more stringent than any local or federal laws and regulations.

**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.**

The monies generated (\$6 per test) from any additional emissions tests required as a result of the amendments will be deposited in the Department of Motor Vehicle's Pollution Control Account.