

FORM # 1

**FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION REGULATIONS**

1. Nevada Department of Motor Vehicles
555 Wright Way
Carson City, NV 89711
(775) 684-4368
October 1, 2012

Debbie Shope, DMV Services Manager III
Emissions Program
Compliance Enforcement Division
(775) 684-4841

2. The Nevada Department of Motor Vehicles (DMV) is an agency of the State of Nevada. The DMV is tasked with issuing drivers licenses, vehicle registrations and license plates, as well as implementing the motor vehicle emission inspection and maintenance program.
3. Assembly Bill 414 was passed by the 2009 Nevada Legislature and resulted in (NRS) 445B.767, which established the authority of the State Environmental Commission (SEC) to adopt regulations to create a voluntary program of electronic monitoring of emission information. The program applies to motor vehicles subject to the motor vehicle emissions inspection and maintenance program in counties whose population is 100,000 or more. In accordance with NRS 445B.767, the proposed regulations have been developed by the DMV in cooperation with the air quality agencies in both Clark and Washoe County.

The DMV is proposing to create a new, voluntary program which will allow fleets to comply with motor vehicle emissions testing requirements by means of engaging the services of an authorized vendor of an electronic data management and monitoring system. Under this program, vendors will attach electronic devices to fleet vehicles that will monitor the vehicles' emission control systems and transmit emissions compliance data via a telecommunication link directly to the DMV. This electronic means of demonstrating compliance eliminates the need for the fleet owner to take the vehicle to an emissions testing facility for the annual emissions test. By statute, the fleet owner is still responsible for paying the \$6.00 emissions certificate fee that would normally be charged at an emissions testing facility.

SPECIFIC CHANGES:

Specifically, the proposed regulation establishes a definition for the fleets that are eligible to participate in the program and the equipment required. It creates

**I/M Electronic Monitoring
Regulation P2013-01**

provisions for an agreement with the DMV that fleets would voluntarily enter into and conditions under which participation in the program would be terminated. Finally, it lists requirements for becoming an authorized vendor of the electronic data management and monitoring service.

4. **NEED FOR AND PURPOSE:**

Fleets subject to the emission testing requirement have requested that an option for electronic emission monitoring be provided for by Nevada's emissions testing program. Other states are also in the process of providing this option. Fleets are willing to pay private vendors for the electronic data management service because the additional vehicle monitoring functions provided by the service assist in fleet management (e.g. scheduled maintenance alerts, trouble code tracking, vehicle location tracking, etc.). Fleets also value the savings in employee time and not having the vehicle taken out-of-service to conduct the emissions test.

5. **ECONOMIC EFFECTS:**

(a) Regulated Business/Industry. Businesses that qualify as a fleet and sign an agreement with the DMV will still be subject to paying the annual \$6.00 emissions certificate fee for each vehicle in the program, but will not have to pay the inspection service fee normally charged by an emissions testing station. Fleets will also have to pay the electronic data management service fee to the authorized vendor.

(b) Public. Private individuals that meet the definition of a fleet are also eligible to participate in the program, but are unlikely to do so because of the vendor service cost. Similar to businesses, members of the public who qualify as a fleet will be subject to paying the \$6.00 emissions certificate fee for each vehicle, but will not have to pay the inspection service fee normally charged by an emissions testing station.

(c) Enforcing Agency. It will be necessary for DMV to make modifications to registration and emission testing software to accommodate the new program. Some additional DMV staff time will be required to review the electronic emissions data submissions. There will be no additional staff time required for Nevada Division of Environmental Protection to implement the requirements.

6. The proposed regulations do not overlap or duplicate any other state regulation.

7. The proposed amendments are no more stringent than what is established by federal law.

8. The proposed regulations do not address fees, which are specified in the statute.