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November 15, 2024

Ms. Sheryl Fontaine
Executive Secretary
State Environmental Commission
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701

Re: LCB File No. R120-24

Dear Ms. Fontaine,

A regulation adopted by the State Environmental Commission has been filed today with the Secretary of State pursuant to NRS 233B.067 or 233B.0675 as appropriate. As provided in NRS 233B.070, this regulation becomes effective upon filing, unless otherwise indicated.

Enclosed are two copies of the regulation bearing the stamp of the Secretary of State which indicates that it has been filed. One copy is for your records and the other is for delivery to the State Library and Archives Administrator pursuant to subsection 6 of NRS 233B.070.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Killian".

Asher A. Killian
Legislative Counsel

Telesia J. O'Dell
Senior Deputy Legislative Counsel

Erin R. Sturdivant
Senior Principal Deputy Legislative Counsel

AAK/amh
Enclosure

Secretary of State
Filing Data

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For Filing Administrative
Regulations

R120-24

For Emergency
Regulations Only

Effective Date

Expiration Date

Governor's Signature

State Environmental Commission

Classification: Proposed [] Adopted By Agency [] Temporary [] Emergency [] Permanent [XX]

R120-24: This permanent regulation revises NAC 445B. The State Environmental Commission adopted permanent regulation R120-24P, which addresses Nevada's Air program. This regulation changes the requirement to inspect new motor vehicles until the fourth registration of the vehicle instead of the third.

Authority citation other than 233B:

§ 1, NRS 445B.210, 445B.760, 445B.770 and 445B.825.

Notice date: August 2, 2024

Hearing date: September 5, 2024

**APPROVED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R120-24

Filed on November 15, 2024

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

AUTHORITY: § 1, NRS 445B.210, 445B.760, 445B.770 and 445B.825.

A REGULATION relating to vehicle emissions; revising the exemption for new motor vehicles from the requirements for the control and testing of emissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Environmental Commission, in cooperation with the Department of Motor Vehicles and any local air pollution control agency, to adopt regulations for the control of emissions from motor vehicles in areas designated by the Commission that are in any county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 445B.770) Existing law authorizes the Department to conduct a test of the emissions from a motor vehicle which is being driven on a highway in such counties to determine whether the motor vehicle complies with these provisions for the control of emissions from motor vehicles. (NRS 445B.798) Existing law further exempts a new motor vehicle from compliance until the fourth registration of the vehicle. (NRS 445B.825) Consistent with this exemption, this regulation exempts a new motor vehicle from these provisions governing the control and testing of emissions until the fourth registration of the vehicle. (NAC 445B.592)

Section 1. NAC 445B.592 is hereby amended to read as follows:

445B.592 The provisions of subsection 3 of NAC 445B.576 and NAC 445B.593 to 445B.596, inclusive, do not apply to any:

1. Motorcycle or moped.

2. Motor vehicle which is subject to prorated registration pursuant to NRS 706.801 to 706.861, inclusive, and is not based in this State.
3. New motor vehicle until the ~~third~~ *fourth* registration of the vehicle.
4. Motor vehicle permanently converted from gasoline to propane, compressed natural gas (CNG), methane or butane as a fuel.
5. Motor vehicle with a model year before 1968.
6. Heavy-duty motor vehicle which has a manufacturer's gross vehicle weight rating of more than 14,000 pounds and which is powered by a diesel engine.
7. Trimobile, as defined in NRS 482.129, that meets the definition of a motorcycle set forth in 40 C.F.R. § 86.402-78 or 86.402-98.

Permanent Regulation - Informational Statement

A Permanent Regulation Related to Environmental Programs

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

State Environmental Commission Permanent No: R120-24P

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation

On June 4, 2021, Assembly Bill 349 revised NRS 4458.825 to extend the period of time new vehicles are exempt from requirements specified in NRS 4458.798 and NRS 4458.770 to 4458.815, inclusive. The proposed amendment would make NAC 4458.592(3) consistent with the revised language of NRS 4458.825. Specifically, this regulation will reduce the need to inspect new motor vehicles until the fourth registration of the vehicle, instead of the third registration.

2. 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 Division held a preliminary public workshop on March 30, 2023, to solicit comments on this proposed regulatory amendment. The Division also held one hybrid (in-person and virtual) public workshop for R120-24P on July 31, 2024. The public was invited to participate in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada. The workshops were held to present the substance of, and receive public comment on, the proposed regulation. Seven members of the public and regulated industry attended the workshop virtually. The proposed regulations were also distributed to the Bureau of Air Quality Planning's email distribution list.

The Legislative Counsel Bureau published its draft, R120-24P, in the Nevada Register on July 1, 2024. The Division accepted written comments on R120-24I and R120-24P for 30 days beginning on July 15, 2024. The Division did not receive any verbal questions concerning R120-24I and/or R120-24P during the public workshop. A summary of the workshop, including any public comment and bureau response, is included on the NDEP website as well as the SEC website.

The SEC held a hybrid regulatory hearing on September 5, 2024, to consider possible action on R120-24P. The SEC posted its public notice, which included a link¹ and instructions to access R120-24P and pertinent documents and information supporting the regulation, for the regulatory meeting at the State Library in Carson City, at Division offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and to the SEC email distribution list. The SEC also posted the public notice at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website, and on the SEC website.

The SEC also published the public notice in the Las Vegas Review Journal and Reno Gazette Journal newspapers once per week for three consecutive weeks prior to the SEC regulatory meeting.

3. The number of persons who attended the SEC Regulatory Hearing:

- (a) Attended September 5, 2024, hearing: 35 (approximately)
- (b) Testified on this Petition at the hearing: 1

- 1. Andrew Tucker, on behalf of the Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701
(775) 687-9340
atucker@ndep.nv.gov

- (c) Submitted to the agency written comments: none

4. 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 from affected businesses through one public workshop and at the September 5, 2024, SEC hearing as noted in number 2 above.

5. 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 Commissioners unanimously adopted R120-24P without change because the public and the SEC were satisfied with the proposed regulation.

¹ <https://sec.nv.gov/meetings/sec-regulatory-meeting-sept-5-2024>

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

Regulated Business/Industry: There are no economic impacts to businesses associated with this action in the short- or long-term. This regulation will reduce the need to inspect new motor vehicles until the fourth registration of the vehicle instead of the third registration.

Public: There are no adverse or economic impacts on the public associated with this action in the short- or long-term.

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

Enforcing Agency. The proposed regulations do not impose additional functions or costs on the agency.

8. 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.

The proposed amendments in R120-24P do not overlap or duplicate other state or government agencies.

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

The regulatory amendments in R120-24P are no more stringent than what is established by federal law.

10. 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.

R120-24P does not address fees.

