

# Form #1

## Petition to Adopt, Amend, or Repeal Commission Regulations

Approved 10-3-1995



NEVADA  
STATE ENVIRONMENTAL  
COMMISSION

### 1. Name, address, telephone number, and signature:

Name: Nevada Division of Environmental Protection

Address: 901 South Stewart Street, Suite 4001

E-mail Address: atucker@ndep.nv.gov

Telephone Number: (775) 687-9340

Date of Petition: TBD

Representative capacity and signature of petitioner, authorized individual, officer or attorney:

A handwritten signature in black ink.

Chief, Bureau of Air Quality Planning

### 2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary:

The Nevada Division of Environmental Protection (NDEP) is a division of the Nevada Department of Conservation and Natural Resources of the State of Nevada. The NDEP is an environmental regulatory agency.

### 3. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved:

NDEP is proposing to amend Nevada Administrative Code (NAC) 445B.592(3). This regulation will reduce the need to inspect new motor vehicles until the fourth registration of the vehicle, instead of the third registration.

Nevada Revised Statutes (NRS) 445B.210 establishes the authority of the State Environmental Commission (SEC) to adopt regulations consistent with the intent and purpose of NRS 445B.100 to NRS 445B.640, inclusive, to prevent, abate and control air pollution.

**4. A statement of the need for and purpose of the proposed regulations:**

On June 4, 2021, Assembly Bill 349 revised NRS 445B.825 to extend the period of time new vehicles are exempt from requirements specified in NRS 445B.798 and NRS 445B.770 to 445B.815, inclusive, until the fourth registration. The proposed amendment would make NAC 445B.592(3) consistent with the revised language of NRS 445B.825.

**5. A statement of the:**

(a) Estimated economic effect of the regulation on the business which it is to regulate:

The proposed amendment is to make the regulation consistent with existing statutory requirements, so there will be no economic impact.

(1) Both adverse and beneficial effects:

Not applicable.

(2) Both immediate and long-term effects:

Not applicable.

(b) Estimated economic effect on the public:

The proposed amendment will have no economic effect on the public.

(1) Both adverse and beneficial effects:

Not applicable.

(2) Both immediate and long-term effects:

Not applicable.

(c) Estimated cost by the agency for enforcement of the proposed regulation:

The proposed amendment will have no economic effect on the agency.

**6. A description of any regulations for 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:**

Not applicable, the proposed amendment does not overlap with other state or government agency requirements.

**7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption:**

Not applicable, the proposed amendment does not overlap with federal requirements.

**8. 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:**

Not applicable, the proposed amendment does not provide for any new fees or increases to existing fees.

### Supporting Documents



When submitting this form, attach a second document to your email with your proposed regulatory language. Include other supporting documents as needed.

# Form #4

## Small Business Impact Disclosure and Statement

Approved 5-2-2014



NEVADA  
**STATE ENVIRONMENTAL  
COMMISSION**

The purpose of this form is to provide a framework pursuant to NRS 233B.0608 for drafting and submitting a Small Business Impact Statement (SBIS) to the State Environmental Commission (SEC) and to determine whether a SBIS is required to be noticed and available at the public workshop. A SBIS must be completed and submitted to the Legislative Counsel Bureau for ALL adopted regulations.

**Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time employees” (NRS 233B.0382).**

To determine whether a SBIS must be noticed and available at the public workshop, answer the following questions:

**1. Does this proposed regulation impose a direct and significant economic burden upon a small business?** *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

No, this proposed regulation will not have an impact or significant economic burden on small businesses. This regulation will reduce the need to inspect new motor vehicles until the fourth registration of the vehicle, instead of the third registration. This proposed regulation would bring the regulatory and statutory requirements in alignment.

**2. Does this proposed regulation restrict the formation, operation or expansion of a small business?** *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

No, this regulation does not provide any barrier to the formation, operation, or expansion of a small business. The amendment of NAC 445B.592 reduces regulatory requirements.

If **Yes** to either of question 1 & 2, a SBIS must be noticed and available at the public workshop.

**FORM 4: SMALL BUSINESS IMPACT STATEMENT** (NRS 233B.0609)  
(Provide attachments as needed)

**1. Describe the manner in which comment was solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.** *(Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.)*

On March 30, 2023, NDEP held a preliminary public workshop to solicit comments on this proposed regulatory amendment. Additionally, comments will be solicited through a workshop held in Carson City and video conferenced to Las Vegas. Notices of the workshop and an invitation for comments will be posted in all county public libraries, the Nevada Division of Environmental Protection (NDEP) buildings in Carson City and Las Vegas, the NDEP website, the Legislative Council Bureau's website, and the official State website. The workshop notice will also be emailed to an extensive distribution list maintained by NDEP's Bureau of Air Quality Planning. A summary of the workshop will be posted on the SEC website at <http://sec.nv.gov/meetings> when notice is posted for this proposed regulation to go before the SEC as an item for action.

**2. The manner in which the analysis was conducted (if an impact was determined).**

The agency determined that small business would not be impacted (see Small Business Impact Disclosures #1 and #2).

**3. The estimated economic effect of the proposed regulation on small businesses:**

Not applicable (see Small Business Impact Statement #2).

a. Both adverse and beneficial effects:

Not applicable (see Small Business Impact Statement #2).

b. Both direct and indirect effects:

Not applicable (see Small Business Impact Statement #2).

**4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of the methods. (Include a discussion of any considerations of the methods listed below.)**

Not applicable (see Small Business Impact Statement #2).

A. Simplification of the proposed regulation:

Not applicable (see Small Business Impact Statement #2).

B. Establishment of different standards of compliance for a small business:

Not applicable (see Small Business Impact Statement #2).

C. Modification of fees or fines so that a small business is authorized to pay a lower fee or fine:

Not applicable (see Small Business Impact Statement #2).

**5. The estimated cost to the agency for enforcement of the proposed regulation. (Include a discussion of the methods used to estimate those costs.)**

The proposed regulation do not impose functions or costs on the agency, it is amending existing regulations.

**6. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and manner in which the money will be used.**

The proposed regulation does not address fees.


**7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, provide and explanation of why such duplicative or more stringent provisions are necessary.**

Not applicable, the proposed regulation is to amend existing regulations.

**8. The reasons for the conclusions regarding the impact of a regulation on small businesses.**

The proposed regulatory amendment does not impose any requirements, burdens, or fees on any businesses.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on a small business and the information contained in this statement was prepared properly and is accurate.

  
Jennifer Carr (Jun 11, 2024 16:53 PDT)  
\_\_\_\_\_  
Administrator, NDEP

06/11/2024  
\_\_\_\_\_  
Date

### Supporting Documents



Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.

<http://www.leg.state.nv.us/Statutes/77th2013/Stats201314.html#Stats201314page2304>

**PROPOSED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R120-24**

July 1, 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.