

SENATE BILL NO. 432—SENATOR PORTER

MARCH 15, 1999

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing emissions from certain heavy-duty motor vehicles and construction equipment. (BDR 40-54)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to air pollution; authorizing the establishment in certain more populous counties of programs to control emissions from certain construction equipment and to establish visibility standards for air quality; providing in such counties for the control of emissions from heavy-duty motor vehicles that are powered by diesel fuel; including such heavy-duty motor vehicles in the compulsory inspection program for motor vehicles; clarifying certain provisions relating to the compulsory inspection program; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 445B of NRS is hereby amended by adding thereto
2 a new section to read as follows:
3 ***“Heavy-duty motor vehicle” means a motor vehicle that has a***
4 ***manufacturer’s gross vehicle weight rating of 8,500 pounds or more.***
5 **Sec. 2.** NRS 445B.500 is hereby amended to read as follows:
6 445B.500 1. Except as otherwise provided in this section and in NRS
7 445B.310:
8 (a) The district board of health, county board of health or board of
9 county commissioners in each county whose population is 100,000 or more
10 shall establish a program for the control of air pollution and administer the
11 program within its jurisdiction unless superseded.
12 (b) The program must:
13 (1) Include standards for the control of emissions, emergency
14 procedures and variance procedures established by ordinance or local

1 regulation which are equivalent to or stricter than those established by
2 statute or state regulation; and

3 (2) Provide for adequate administration, enforcement, financing and
4 staff.

5 (c) The district board of health, county board of health or board of
6 county commissioners is designated as the air pollution control agency of
7 the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and
8 the federal act insofar as it pertains to local programs, and that agency is
9 authorized to take all action necessary to secure for the county the benefits
10 of the federal act.

11 (d) ~~{Powers}~~ *The powers* and responsibilities provided for in NRS
12 445B.210, 445B.240 to 445B.450, inclusive, 445B.560, 445B.570,
13 445B.580 and 445B.640 are binding upon and inure to the benefit of local
14 air pollution control authorities within their jurisdiction.

15 2. *The district board of health, county board of health or board of*
16 *county commissioners in each county whose population is 400,000 or*
17 *more may:*

18 (a) *Establish a program to control emissions from construction*
19 *equipment that is powered by diesel fuel, used primarily off-road and*
20 *operated within the county, and adopt such regulations and impose such*
21 *fees as are necessary to carry out the program; and*

22 (b) *Establish visibility standards for air quality in the county and*
23 *adopt such regulations as are necessary to achieve those standards.*

24 3. The local air pollution control board shall carry out all provisions of
25 NRS 445B.215 with the exception that notices of public hearings must be
26 given in any newspaper, qualified pursuant to the provisions of chapter 238
27 of NRS, once a week for 3 weeks. The notice must specify with
28 particularity the reasons for the proposed regulations and provide other
29 informative details. NRS 445B.215 does not apply to the adoption of
30 existing regulations upon transfer of authority as provided in NRS
31 445B.610.

32 ~~{3.}~~ 4. In a county whose population is 400,000 or more, the local air
33 pollution control board may delegate to an independent hearing officer or
34 hearing board its authority to determine violations and levy administrative
35 penalties for violations of the provisions of NRS 445B.100 to 445B.450,
36 inclusive, and 445B.500 to 445B.640, inclusive, or any regulation adopted
37 pursuant to those sections. If such a delegation is made, 17.5 percent of any
38 penalty collected must be deposited in the county treasury in an account to
39 be administered by the local air pollution control board to a maximum of
40 \$17,500 per year. The money in the account may only be used to defray the
41 administrative expenses incurred by the local air pollution control board in

1 enforcing the provisions of NRS 445B.100 to 445B.640, inclusive. The
2 remainder of the penalty must be deposited in the county school district
3 fund of the county where the violation occurred.

4 ~~[4.]~~ 5. Any county whose population is less than 100,000 or any city
5 may meet the requirements of this section for administration and
6 enforcement through cooperative or interlocal agreement with one or more
7 other counties, or through agreement with the state, or may establish its
8 own program for the control of air pollution. If the county establishes such
9 a program, it is subject to the approval of the commission.

10 ~~[5.]~~ 6. No district board of health, county board of health or board of
11 county commissioners may adopt any regulation or establish a compliance
12 schedule, variance order or other enforcement action relating to the control
13 of emissions from plants which generate electricity by using steam
14 produced by the burning of fossil fuel.

15 ~~[6.]~~ 7. For the purposes of this section, "plants which generate
16 electricity by using steam produced by the burning of fossil fuel" means
17 plants that burn fossil fuels in a boiler to produce steam for the production
18 of electricity. The term does not include any plant which uses technology
19 for a simple or combined cycle combustion turbine, regardless of whether
20 the plant includes duct burners.

21 **Sec. 3.** NRS 445B.700 is hereby amended to read as follows:

22 445B.700 As used in NRS 445B.700 to 445B.845, inclusive, *and*
23 *section 1 of this act*, unless the context otherwise requires, the words and
24 terms defined in NRS 445B.705 to 445B.758, inclusive, *and section 1 of*
25 *this act* have the meanings ascribed to them in those sections.

26 **Sec. 4.** NRS 445B.770 is hereby amended to read as follows:

27 445B.770 1. In any county whose population is 100,000 or more, the
28 commission shall, in cooperation with the department of motor vehicles and
29 public safety and any local air pollution control agency, adopt regulations
30 for the control of emissions from motor vehicles in areas of the county
31 designated by the commission. *In any county whose population is 400,000*
32 *or more, the regulations must specifically provide for the control of*
33 *emissions from heavy-duty motor vehicles that are powered by diesel fuel.*

34 2. In any county whose population is less than 100,000, if the
35 commission determines that it is feasible and practicable to carry out a
36 program of inspecting and testing motor vehicles and systems for the
37 control of emissions from motor vehicles, and if carrying out the program is
38 deemed necessary to achieve or maintain the prescribed standards for the
39 quality of ambient air in areas of the state designated by the commission,
40 the commission shall, in cooperation with the department of motor vehicles
41 and public safety and any local air pollution control agency established

1 under NRS 445B.500 which has jurisdiction in a designated area, adopt
2 regulations and transportation controls as may be necessary to carry out the
3 program.

4 3. The regulations ~~{shall}~~ **must** distinguish between light-duty and
5 heavy-duty motor vehicles and may prescribe:

6 (a) Appropriate criteria and procedures for the approval, installation and
7 use of devices for the control of emissions from motor vehicles; and

8 (b) Requirements for the proper maintenance of such devices and motor
9 vehicles.

10 4. The regulations ~~{shall}~~ **must** establish:

11 (a) Requirements by which the department of motor vehicles and public
12 safety shall license authorized stations to inspect, repair, adjust and install
13 devices for the control of emissions for motor vehicles, including criteria
14 by which any person may become qualified to inspect, repair, adjust and
15 install those devices.

16 (b) Requirements by which the department of motor vehicles and public
17 safety may license an owner or lessee of a fleet of three or more vehicles as
18 a fleet station if the owner or lessee complies with the regulations of the
19 commission. The fleet station shall only certify vehicles which constitute
20 that fleet.

21 (c) Requirements by which the department provides for inspections of
22 motor vehicles owned by this state and any of its political subdivisions.

23 5. The commission shall consider, before adopting any regulation or
24 establishing any criteria pursuant to paragraph (a) of subsection 3:

25 (a) The availability of devices adaptable to specific makes, models and
26 years of motor vehicles.

27 (b) The effectiveness of those devices for reducing the emission of each
28 type of air pollutant under conditions in this state.

29 (c) The capability of those devices for reducing any particular type or
30 types of pollutants without significantly increasing the emission of any
31 other type or types of pollutant.

32 (d) The capacity of any manufacturer to produce and distribute the
33 particular device in such quantities and at such times as will meet the
34 estimated needs in Nevada.

35 (e) The reasonableness of the retail cost of the device and the cost of its
36 installation and maintenance over the life of the device and the motor
37 vehicle.

38 (f) The ease of determining whether any such installed device is
39 functioning properly.

40 **Sec. 5.** NRS 445B.780 is hereby amended to read as follows:

41 445B.780 1. The commission shall, by regulation, establish a
42 program for the regulation of smoke and other emissions by inspection of
43 heavy-duty motor vehicles that are powered by ~~{diesel fuel or}~~ gasoline.

1 The program must be substantially similar to the program established in the
2 State of California.

3 2. The director of the state department of conservation and natural
4 resources shall review each amendment, repeal or other revision of a law or
5 regulation of the State of California relating to the program established
6 pursuant to subsection 1 to determine its appropriateness for this state. The
7 director shall recommend to the commission any such provisions which he
8 deems necessary or appropriate to ensure that *the* program remains
9 substantially similar to the program established in the State of California.

10 3. The commission shall adopt regulations concerning:

11 (a) The equipment used to measure smoke and other emissions of heavy-
12 duty motor vehicles.

13 (b) The granting of a waiver from the provisions adopted by reference in
14 this section, if compliance involves repair and equipment costs which
15 exceed the limits established by the commission. The commission shall
16 establish the limits in a manner which avoids unnecessary financial
17 hardship to owners of heavy-duty motor vehicles.

18 ~~[4.—As used in this section, a “heavy-duty motor vehicle” means a~~
19 ~~motor vehicle that has a manufacturer’s gross vehicle weight rating of~~
20 ~~8,500 pounds or more.]~~

21 **Sec. 6.** NRS 445B.795 is hereby amended to read as follows:

22 445B.795 The authority set forth in NRS 445B.770 providing for a
23 compulsory inspection program is limited as follows:

24 1. In a county whose population is 100,000 or more, all passenger cars
25 and light-duty motor vehicles ~~[which use diesel fuel and]~~ *that* require
26 inspection pursuant to the regulations adopted by the commission ~~[under]~~
27 *pursuant to* NRS 445B.770 ~~[are required to]~~ *must* have evidence of
28 compliance upon registration or reregistration.

29 2. *In a county whose population is 400,000 or more, in addition to*
30 *the vehicles specified in subsection 1, all heavy-duty motor vehicles that*
31 *are powered by diesel fuel and require inspection pursuant to the*
32 *regulations adopted by the commission pursuant to NRS 445B.770 must*
33 *have evidence of compliance upon registration or reregistration.*

34 3. In areas which have been designated by the commission for
35 inspection programs and which are located in counties whose populations
36 are 100,000 or more, all used motor vehicles which require inspection
37 pursuant to the regulations adopted by the commission ~~[under]~~ *pursuant to*
38 NRS 445B.770 ~~[are required to]~~ *must* have evidence of compliance upon
39 registration or reregistration.

40 ~~[3.]~~ 4. In designated areas in other counties ~~[where]~~ *in which* the
41 commission puts a program into effect, all used motor vehicles which
42 require inspection pursuant to the regulations adopted by the commission

1 ~~{under}~~ *pursuant to* NRS 445B.770 ~~{are required to}~~ *must* have evidence
2 of compliance upon registration or reregistration.

3 ~~{4.}~~ 5. The board of county commissioners of a county containing a
4 designated area may revise its program for the designated area after
5 receiving the approval of the commission.

6 **Sec. 7.** NRS 445B.800 is hereby amended to read as follows:

7 445B.800 1. Subject to any applicable limitation of NRS 445B.700
8 to 445B.815, inclusive, *and section 1 of this act*, and any regulation
9 adopted pursuant thereto, no used motor vehicle which requires inspection
10 pursuant to the regulations adopted by the commission ~~{under}~~ *pursuant to*
11 NRS 445B.770 may be registered unless the application for registration is
12 accompanied by evidence of compliance issued by any authorized
13 inspection station, authorized station or fleet station certifying that the
14 vehicle is equipped with devices for the control of pollution from motor
15 vehicles required by federal regulation or such other requirements as the
16 commission may by regulation prescribe under the provisions of NRS
17 445B.700 to 445B.845, inclusive ~~{.}~~ *, and section 1 of this act.*

18 2. If:

19 (a) A seller of a used vehicle is required to complete a dealer's report of
20 sale pursuant to the provisions of NRS 482.424; or

21 (b) A long-term lessor of a used vehicle is required to complete a long-
22 term lessor's report of lease pursuant to the provisions of
23 NRS 482.4245,

24 the seller or long-term lessor shall also provide the buyer or long-term
25 lessee with any evidence of compliance required pursuant to subsection 1.

26 3. The requirements of this section apply only:

27 (a) To passenger cars and light-duty motor vehicles ~~{which use diesel~~
28 ~~fuel and}~~ *that* are based in a county whose population is 100,000 or more;
29 ~~{and}~~

30 (b) *To heavy-duty motor vehicles that are powered by diesel fuel and*
31 *are based in a county whose population is 400,000 or more; and*

32 (c) In counties ~~{where}~~ *in which* a program of inspecting and testing
33 motor vehicles and systems for the control of emissions from motor
34 vehicles has been implemented pursuant to NRS 445B.770.

35 **Sec. 8.** NRS 445B.815 is hereby amended to read as follows:

36 445B.815 1. Except as otherwise provided in subsection 2, persons
37 employed at branch offices of the department of motor vehicles and public
38 safety and the offices of county assessors who are acting as agents of the
39 department in the collection of fees for registration, shall not register:

40 (a) ~~{A}~~ *Any* passenger car or light-duty motor vehicle which:

41 (1) ~~{Uses diesel fuel;~~

42 ~~—(2)}~~ Is based in a county whose population is 100,000 or more; and

1 ~~[(3)]~~ (2) Requires inspection pursuant to the regulations adopted by
2 the commission ~~[under]~~ *pursuant to* NRS 445B.770; ~~[or]~~
3 (b) *A heavy-duty motor vehicle that is powered by diesel fuel, which:*
4 (1) *Is based in a county whose population is 400,000 or more; and*
5 (2) *Requires inspection pursuant to the regulations adopted by the*
6 *commission pursuant to NRS 445B.770; or*
7 (c) A vehicle which:
8 (1) Is based in an area of this state designated by the commission; and
9 (2) Requires inspection pursuant to the regulations adopted by the
10 commission ~~[under]~~ *pursuant to* NRS 445B.770,
11 until evidence of compliance with NRS 445B.700 to 445B.845, inclusive,
12 *and section 1 of this act* has been provided.
13 2. An owner or lessee of a fleet of three or more vehicles may, upon
14 application to the department of motor vehicles and public safety, submit
15 evidence of compliance for his motor vehicles in a manner determined by
16 that department.
17 **Sec. 9.** 1. This section becomes effective upon passage and
18 approval.
19 2. Sections 2 and 4 of this act become effective upon passage and
20 approval for the purpose of adopting regulations and on October 1, 1999,
21 for all other purposes.
22 3. Sections 1, 3, and 5 to 8, inclusive, of this act become effective on
23 October 1, 1999.