

ASSEMBLY BILL NO. 284—COMMITTEE ON NATURAL RESOURCES,
AGRICULTURE, AND MINING

(ON BEHALF OF CLARK COUNTY)

MARCH 6, 2001

Referred to Committee on Natural Resources, Agriculture, and Mining

SUMMARY—Revises provisions governing emissions from certain heavy-duty motor vehicles and construction equipment. (BDR 40-390)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: 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 counties of programs for the control of emissions from certain construction equipment and visibility standards for air quality; revising the provisions governing the deposit of administrative penalties collected in such counties for certain violations; 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; 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11 program within its jurisdiction unless superseded.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



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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~~ *Federal Act* insofar as it pertains to local programs, and
9 that agency is authorized to take all action necessary to secure for the
10 county the benefits of the ~~federal-act~~.

11 ~~—(d) Powers~~ *Federal Act.*

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

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

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

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

25 3. The local air pollution control board shall carry out all provisions of
26 NRS 445B.215 with the exception that notices of public hearings must be
27 given in any newspaper, qualified pursuant to the provisions of chapter 238
28 of NRS, once a week for 3 weeks. The notice must specify with
29 particularity the reasons for the proposed regulations and provide other
30 informative details. NRS 445B.215 does not apply to the adoption of
31 existing regulations upon transfer of authority as provided in NRS
32 445B.610.

33 ~~3-1~~ 4. In a county whose population is 400,000 or more, the local air
34 pollution control board may delegate to an independent hearing officer or
35 hearing board its authority to determine violations and levy administrative
36 penalties for violations of the provisions of NRS 445B.100 to 445B.450,
37 inclusive, and 445B.500 to 445B.640, inclusive, or any regulation adopted
38 pursuant to those sections. If such a delegation is ~~made, 17.5 percent of~~ :

39 (a) *In effect*, any penalty collected must be deposited in the county
40 treasury in an account to be administered by the local air pollution control
41 board. ~~to a maximum of \$17,500 per year. The money in the account may~~
42 ~~only be used to defray the administrative expenses incurred by the local air~~
43 ~~pollution control board in enforcing the provisions of NRS 445B.100 to~~
44 ~~445B.640, inclusive. The remainder of the penalty~~

45 (b) *Not in effect, any penalty collected* must be deposited in the county
46 school district fund of the county where the violation occurred.

47 ~~4-1~~ 5. Any county whose population is less than 100,000 or any city
48 may meet the requirements of this section for administration and
49 enforcement through cooperative or interlocal agreement with one or more



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1 other counties, or through agreement with the state, or may establish its
2 own program for the control of air pollution. If the county establishes such
3 a program, it is subject to the approval of the commission.

4 ~~§ 6.~~ No district board of health, county board of health or board of
5 county commissioners may adopt any regulation or establish a compliance
6 schedule, variance order or other enforcement action relating to the control
7 of emissions from plants which generate electricity by using steam
8 produced by the burning of fossil fuel.

9 ~~§ 7.~~ For the purposes of this section, "plants which generate
10 electricity by using steam produced by the burning of fossil fuel" means
11 plants that burn fossil fuels in a boiler to produce steam for the production
12 of electricity. The term does not include any plant which uses technology
13 for a simple or combined cycle combustion turbine, regardless of whether
14 the plant includes duct burners.

15 **Sec. 3.** NRS 445B.700 is hereby amended to read as follows:
16 445B.700 As used in NRS 445B.700 to 445B.845, inclusive, *and*
17 *section 1 of this act*, unless the context otherwise requires, the words and
18 terms defined in NRS 445B.705 to 445B.758, inclusive, *and section 1 of*
19 *this act* have the meanings ascribed to them in those sections.

20 **Sec. 4.** NRS 445B.770 is hereby amended to read as follows:
21 445B.770 1. In any county whose population is 100,000 or more, the
22 commission shall, in cooperation with the department of motor vehicles
23 and public safety and any local air pollution control agency, adopt
24 regulations for the control of emissions from motor vehicles in areas of the
25 county designated by the commission. *In any county whose population is*
26 *400,000 or more, the regulations must specifically provide for the control*
27 *of emissions from heavy-duty motor vehicles that are powered by diesel*
28 *fuel.*

29 2. In any county whose population is less than 100,000, if the
30 commission determines that it is feasible and practicable to carry out a
31 program of inspecting and testing motor vehicles and systems for the
32 control of emissions from motor vehicles, and if carrying out the program
33 is deemed necessary to achieve or maintain the prescribed standards for the
34 quality of ambient air in areas of the state designated by the commission,
35 the commission shall, in cooperation with the department of motor vehicles
36 and public safety and any local air pollution control agency established
37 ~~under~~ *pursuant to* NRS 445B.500 which has jurisdiction in a designated
38 area, adopt regulations and transportation controls as may be necessary to
39 carry out the program.

40 3. The regulations ~~shall~~ *must* distinguish between light-duty and
41 heavy-duty motor vehicles and may prescribe:

42 (a) Appropriate criteria and procedures for the approval, installation and
43 use of devices for the control of emissions from motor vehicles; and
44 (b) Requirements for the proper maintenance of such devices and motor
45 vehicles.

46 4. The regulations ~~shall~~ *must* establish:

47 (a) Requirements by which the department of motor vehicles and public
48 safety shall license authorized stations to inspect, repair, adjust and install
49 devices for the control of emissions for motor vehicles, including criteria



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1 by which any person may become qualified to inspect, repair, adjust and
2 install those devices.

3 (b) Requirements by which the department of motor vehicles and public
4 safety may license an owner or lessee of a fleet of three or more vehicles as
5 a fleet station if the owner or lessee complies with the regulations of the
6 commission. The fleet station shall only certify vehicles which constitute
7 that fleet.

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

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

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

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

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

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

22 (e) The reasonableness of the retail cost of the device and the cost of its
23 installation and maintenance over the life of the device and the motor
24 vehicle.

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

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

28 445B.780 1. The commission shall, by regulation, establish a
29 program for the regulation of smoke and other emissions by inspection of
30 heavy-duty motor vehicles that are powered by ~~heavy-duty~~ gasoline.
31 The program must be substantially similar to the program established in the
32 State of California.

33 2. The director of the state department of conservation and natural
34 resources shall review each amendment, repeal or other revision of a law or
35 regulation of the State of California relating to the program established
36 pursuant to subsection 1 to determine its appropriateness for this state. The
37 director shall recommend to the commission any such provisions which he
38 deems necessary or appropriate to ensure that *the* program remains
39 substantially similar to the program established in the State of California.

40 3. The commission shall adopt regulations concerning:

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

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



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1 ~~{4. As used in this section, a "heavy duty motor vehicle" means a~~
2 ~~motor vehicle that has a manufacturer's gross vehicle weight rating of~~
3 ~~8,500 pounds or more.}~~

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

5 445B.795 The authority set forth in NRS 445B.770 providing for a
6 compulsory inspection program is limited as follows:

7 1. In a county whose population is 100,000 or more, all passenger cars
8 and light-duty motor vehicles ~~{which use diesel fuel and}~~ *that* require
9 inspection pursuant to the regulations adopted by the commission ~~{under}~~
10 *pursuant to* NRS 445B.770 ~~{are required to}~~ *must* have evidence of
11 compliance upon registration or reregistration.

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

17 3. In areas which have been designated by the commission for
18 inspection programs and which are located in counties whose populations
19 are 100,000 or more, all used motor vehicles which require inspection
20 pursuant to the regulations adopted by the commission ~~{under}~~ *pursuant to*
21 NRS 445B.770 ~~{are required to}~~ *must* have evidence of compliance upon
22 registration or reregistration.

23 ~~{3.}~~ 4. In designated areas in other counties ~~{where}~~ *in which* the
24 commission puts a program into effect, all used motor vehicles which
25 require inspection pursuant to the regulations adopted by the commission
26 ~~{under}~~ *pursuant to* NRS 445B.770 ~~{are required to}~~ *must* have evidence
27 of compliance upon registration or reregistration.

28 ~~{4.}~~ 5. The board of county commissioners of a county containing a
29 designated area may revise its program for the designated area after
30 receiving the approval of the commission.

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

32 445B.800 1. Subject to any applicable limitation of NRS 445B.700
33 to 445B.815, inclusive, *and section 1 of this act*, and any regulation
34 adopted pursuant thereto, no used motor vehicle which requires inspection
35 pursuant to the regulations adopted by the commission ~~{under}~~ *pursuant to*
36 NRS 445B.770 may be registered unless the application for registration is
37 accompanied by evidence of compliance issued by any authorized
38 inspection station, authorized station or fleet station certifying that the
39 vehicle is equipped with devices for the control of pollution from motor
40 vehicles required by federal regulation or such other requirements as the
41 commission may by regulation prescribe under the provisions of NRS
42 445B.700 to 445B.845, inclusive ~~{,}~~ *, and section 1 of this act.*

43 2. If:

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

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



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1 the seller or long-term lessor shall also provide the buyer or long-term
2 lessee with any evidence of compliance required pursuant to subsection 1.
3 3. The requirements of this section apply only:
4 (a) To passenger cars and light-duty motor vehicles ~~which use diesel~~
5 ~~fuel and~~ *that* are based in a county whose population is 100,000 or more;
6 ~~and~~
7 (b) *To heavy-duty motor vehicles that are powered by diesel fuel and*
8 *are based in a county whose population is 400,000 or more; and*
9 (c) In counties ~~where~~ *in which* a program of inspecting and testing
10 motor vehicles and systems for the control of emissions from motor
11 vehicles has been implemented pursuant to NRS 445B.770.
12 **Sec. 8.** NRS 445B.815 is hereby amended to read as follows:
13 445B.815 1. Except as otherwise provided in subsection 2, persons
14 employed at branch offices of the department of motor vehicles and public
15 safety and the offices of county assessors who are acting as agents of the
16 department in the collection of fees for registration ~~+~~ shall not register:
17 (a) A passenger car or light-duty motor vehicle which:
18 (1) ~~Uses diesel fuel;~~
19 ~~(2)~~ Is based in a county whose population is 100,000 or more; and
20 ~~(3)~~ (2) Requires inspection pursuant to the regulations adopted by
21 the commission ~~under~~ *pursuant to* NRS 445B.770; ~~or~~
22 (b) *A heavy-duty motor vehicle that is powered by diesel fuel, which:*
23 *(1) Is based in a county whose population is 400,000 or more; and*
24 *(2) Requires inspection pursuant to the regulations adopted by the*
25 *commission pursuant to NRS 445B.770; or*
26 (c) A vehicle which:
27 (1) Is based in an area of this state designated by the commission; and
28 (2) Requires inspection pursuant to the regulations adopted by the
29 commission ~~under~~ *pursuant to* NRS 445B.770,
30 until evidence of compliance with NRS 445B.700 to 445B.845, inclusive,
31 *and section 1 of this act* has been provided.
32 2. An owner or lessee of a fleet of three or more vehicles may, upon
33 application to the department of motor vehicles and public safety, submit
34 evidence of compliance for his motor vehicles in a manner determined by
35 that department.
36 **Sec. 9.** 1. This section becomes effective upon passage and
37 approval.
38 2. Sections 1 to 4, inclusive, of this act become effective upon passage
39 and approval for the purpose of adopting regulations and on October 1,
40 2001, for all other purposes.
41 3. Sections 5 to 8, inclusive, of this act become effective on October 1,
42 2001.

