
ASSEMBLY BILL NO. 225—ASSEMBLYMEN ANGLE, CHRISTENSEN,
GANSERT, HOLCOMB, MABEY, MORTENSON AND MUNFORD

MARCH 17, 2005

JOINT SPONSORS: SENATORS TIFFANY AND WASHINGTON

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing emissions testing for certain motor vehicles and provisions regarding certain fleets to authorize use of certain additives for motor vehicle fuel. (BDR 40-211)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 motor vehicles; providing for the biennial inspection and testing of emissions of certain motor vehicles; requiring the State Environmental Commission to provide a waiver from emissions testing for certain motor vehicles; revising provisions regarding certain fleets to authorize the use of certain additives for motor vehicle fuel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the State Environmental Commission, in cooperation with
2 the Department of Motor Vehicles and any local air pollution control agency, to
3 regulate the inspection and testing of motor vehicles for the control of emissions.
4 (NRS 445B.770)
5 This bill specifies that motor vehicles must not be required to be inspected
6 more than every 2 years for compliance with emissions standards.
7 Existing law authorizes the State Environmental Commission to exempt
8 certain classes of motor vehicles from compliance with emissions standards.
9 (NRS 445B.825)
10 This bill requires the State Environmental Commission to provide such an
11 exemption for all motor vehicles that are not older than 3 years and all motor



12 vehicles 4 years old or older that have less than 36,000 miles registered on the
13 odometer.
14 Existing law requires the State Environmental Commission to regulate
15 standards for alternative fuels for certain fleets of motor vehicles. (NRS 486A.150)
16 This bill requires the State Environmental Commission to regulate the use of
17 certain additives for motor vehicle fuels, including fuel catalysts, by certain fleets
18 of motor vehicles.

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

1 **Section 1.** NRS 445B.770 is hereby amended to read as
2 follows:

3 445B.770 1. In any county whose population is 100,000 or
4 more, the Commission shall, in cooperation with the Department of
5 Motor Vehicles and any local air pollution control agency, adopt
6 regulations for the control of emissions from motor vehicles in areas
7 of the county designated by the Commission.

8 2. In any county whose population is less than 100,000, if the
9 Commission determines that it is feasible and practicable to carry
10 out a program of inspecting and testing motor vehicles and systems
11 for the control of emissions from motor vehicles, and if carrying out
12 the program is deemed necessary to achieve or maintain the
13 prescribed standards for the quality of ambient air in areas of the
14 State designated by the Commission, the Commission shall, in
15 cooperation with the Department of Motor Vehicles and any local
16 air pollution control agency established under NRS 445B.500 which
17 has jurisdiction in a designated area, adopt regulations and
18 transportation controls as may be necessary to carry out the
19 program.

20 3. *The regulations must require that motor vehicles be*
21 *inspected no more frequently than every 2 years for compliance*
22 *with standards for the control of emissions.*

23 4. The regulations must distinguish between light-duty and
24 heavy-duty motor vehicles and may prescribe:

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

28 (b) Requirements for the proper maintenance of such devices
29 and motor vehicles.

30 ~~4.~~ 5. The regulations must establish:

31 (a) Requirements by which the Department of Motor Vehicles
32 shall license authorized stations to inspect, repair, adjust and install
33 devices for the control of emissions for motor vehicles, including



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

(b) Requirements by which the Department of Motor Vehicles may license an owner or lessee of a fleet of three or more vehicles as a fleet station if the owner or lessee complies with the regulations of the Commission. The fleet station shall only certify vehicles which constitute that fleet.

(c) Requirements by which the Department of Motor Vehicles provides for inspections of motor vehicles owned by this State and any of its political subdivisions.

~~5.1~~ 6. The Commission shall consider, before adopting any regulation or establishing any criteria pursuant to paragraph (a) of subsection ~~3.1~~ 4:

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

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

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

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

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

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

Sec. 2. NRS 445B.795 is hereby amended to read as follows:

445B.795 1. The authority set forth in NRS 445B.770 providing for a compulsory inspection program is limited as follows:

~~1. In~~

(a) *Except as otherwise provided in subsection 2, in* a county whose population is 100,000 or more, the following categories of motor vehicles which are powered by motor vehicle fuel or special fuel and require inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 are required to have evidence of compliance upon registration or reregistration:

~~(a)~~ (1) All passenger cars;

~~(b)~~ (2) Light-duty motor vehicles; and

~~(c)~~ (3) Heavy-duty motor vehicles having a manufacturer's gross vehicle weight rating which does not exceed 10,000 pounds.

~~2. In~~



1 *(b) Except as otherwise provided in subsection 2, in* areas
2 which have been designated by the Commission for inspection
3 programs and which are located in counties whose populations are
4 100,000 or more, all used motor vehicles which require inspection
5 pursuant to the regulations adopted by the Commission under NRS
6 445B.770 are required to have evidence of compliance upon
7 registration or reregistration.

8 ~~{3. In}~~

9 *(c) Except as otherwise provided in subsection 2, in* designated
10 areas in other counties where the Commission puts a program into
11 effect, all used motor vehicles which require inspection pursuant to
12 the regulations adopted by the Commission under NRS 445B.770
13 are required to have evidence of compliance upon registration or
14 reregistration.

15 ~~{4.}~~ *(d) The board of county commissioners of a county*
16 containing a designated area may revise its program for the
17 designated area after receiving the approval of the Commission.

18 ~~{5.}~~ *(e) Before carrying out the inspections of vehicles required*
19 pursuant to the regulations adopted by the Commission pursuant to
20 NRS 445B.770, the Commission shall, by regulation, adopt testing
21 procedures and standards for emissions for those vehicles.

22 *2. If, in accordance with subsection 1, evidence of*
23 *compliance is presented upon registration or reregistration of a*
24 *motor vehicle subject to biennial inspections pursuant to*
25 *NRS 445B.770:*

26 *(a) In an even-numbered year, the motor vehicle is not*
27 *required to have evidence of compliance upon reregistration until*
28 *the next following even-numbered year.*

29 *(b) In an odd-numbered year, the motor vehicle is not required*
30 *to have evidence of compliance upon reregistration until the next*
31 *following odd-numbered year.*

32 **Sec. 3.** NRS 445B.825 is hereby amended to read as follows:

33 445B.825 1. ~~{The}~~ *Except as otherwise provided in this*
34 *section, the* Commission may provide for exemption from the
35 provisions of NRS 445B.770 to 445B.815, inclusive, of designated
36 classes of motor vehicles, including classes based upon the year of
37 manufacture of motor vehicles.

38 2. *The Commission shall provide for exemption from the*
39 *provisions of NRS 445B.770 to 445B.815, inclusive, of motor*
40 *vehicles for which the model year is:*

41 *(a) Three years old or newer; and*

42 *(b) Four years old or older that have less than 36,000 miles*
43 *registered on the odometer.*

44 3. The Commission shall provide for a waiver from the
45 provisions of NRS 445B.770 to 445B.815, inclusive, if compliance



1 involves repair and equipment costs which exceed the limits
2 established by the Commission. The Commission shall establish the
3 limits in a manner which avoids unnecessary financial hardship to
4 motor vehicle owners.

5 **Sec. 4.** Chapter 486A of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 **1. “Fuel additive” means a product which:**

8 **(a) Is added to motor vehicle fuel to reduce the production of**
9 **contaminants by a motor vehicle and enhance the fuel efficiency**
10 **of a motor vehicle;**

11 **(b) Meets the standards established by the United States**
12 **Environmental Protection Agency pursuant to the provisions of 40**
13 **C.F.R. Part 79; and**

14 **(c) Is approved for use by the Commission pursuant to the**
15 **provisions of this chapter.**

16 **2. The term includes, without limitation, a fuel catalyst.**

17 **Sec. 5.** NRS 486A.010 is hereby amended to read as follows:

18 486A.010 The Legislature finds that:

19 1. Protection of the State’s environment, particularly the
20 quality of its air, requires a reduction, especially in metropolitan
21 areas, of the contaminants resulting from the combustion of
22 conventional fuels in motor vehicles.

23 2. A very large proportion of these contaminants results from
24 the burning of liquid and gaseous fuels to operate trucks and buses,
25 many of which are operated in fleets. Each fuel can be evaluated as
26 to the air pollution it causes when burned in motor vehicles.

27 3. Conversion of these fleets to use cleaner-burning alternative
28 fuels can reduce contaminants sufficiently to permit the continued
29 use of conventional fuels in individually owned motor vehicles.

30 **4. The use of fuel additives in these fleets can reduce the**
31 **production of contaminants by and enhance the fuel efficiency of**
32 **motor vehicles, thereby protecting the quality of the State’s**
33 **environment.**

34 **Sec. 6.** NRS 486A.020 is hereby amended to read as follows:

35 486A.020 As used in NRS 486A.010 to 486A.180, inclusive,
36 **and section 4 of this act**, unless the context otherwise requires, the
37 words and terms defined in NRS 486A.030 to 486A.135, inclusive,
38 **and section 4 of this act** have the meanings ascribed to them in
39 those sections.

40 **Sec. 7.** NRS 486A.020 is hereby amended to read as follows:

41 486A.020 As used in NRS 486A.010 to 486A.180, inclusive,
42 **and section 4 of this act**, unless the context otherwise requires, the
43 words and terms defined in NRS 486A.030 to 486A.130, inclusive,
44 **and section 4 of this act** have the meanings ascribed to them in
45 those sections.



1 **Sec. 8.** NRS 486A.140 is hereby amended to read as follows:
2 486A.140 The provisions of NRS 486A.010 to 486A.180,
3 inclusive, *and section 4 of this act* do not apply to:

4 1. The owner of a fleet of motor vehicles that operates only in a
5 county whose population is less than 100,000.

6 2. Any governmental agency exempted by federal statute or
7 regulation.

8 3. Any person exempted by the Commission.

9 **Sec. 9.** NRS 486A.150 is hereby amended to read as follows:

10 486A.150 The Commission shall adopt regulations necessary
11 to carry out the provisions of NRS 486A.010 to 486A.180,
12 inclusive, *and section 4 of this act*, including, but not limited to,
13 regulations concerning:

14 1. Standards and requirements for alternative fuel. The
15 Commission shall not discriminate against any product that is
16 petroleum based.

17 2. *The use of fuel additives in fleets. The Commission shall*
18 *not discriminate against any product that is composed of blended*
19 *organic aromatic esters containing no metallic or toxic air*
20 *contaminants, if the product otherwise satisfies the requirements*
21 *of a fuel additive set forth in section 4 of this act.*

22 3. The conversion of fleets to use alternative fuels if the fleet is
23 operated in a county whose population is 100,000 or more.

24 ~~3.~~ 4. Standards for alternative fuel injection systems for
25 diesel motor vehicles.

26 ~~4.~~ 5. Standards for levels of emissions from motor vehicles
27 that are converted to use alternative fuels.

28 ~~5.~~ 6. The establishment of a procedure for approving
29 exemptions to the requirements of NRS 486A.010 to 486A.180,
30 inclusive ~~6.~~

31 ~~6.~~ *and section 4 of this act.*

32 7. Standards related to the use of dedicated alternative fuel
33 motor vehicles.

34 **Sec. 10.** NRS 486A.180 is hereby amended to read as follows:

35 486A.180 1. Except as otherwise provided in subsection 4,
36 any person who violates any provision of NRS 486A.010 to
37 486A.180, inclusive, *and section 4 of this act*, or any regulation
38 adopted pursuant thereto, is guilty of a civil offense and shall pay an
39 administrative fine levied by the Commission of not more than
40 \$5,000. Each day of violation constitutes a separate offense.

41 2. The Commission shall by regulation establish a schedule of
42 administrative fines of not more than \$1,000 for lesser violations of
43 any provision of NRS 486A.010 to 486A.180, inclusive, *and*
44 *section 4 of this act*, or any regulation in force pursuant thereto.



1 3. Action pursuant to subsection 1 or 2 is not a bar to
2 enforcement of the provisions of NRS 486A.010 to 486A.180,
3 inclusive, *and section 4 of this act*, and regulations in force
4 pursuant thereto, by injunction or other appropriate remedy. The
5 Commission or the Director of the Department may institute and
6 maintain in the name of the State of Nevada any such enforcement
7 proceeding.

8 4. A person who fails to pay a fine levied pursuant to
9 subsection 1 or 2 within 30 days after the fine is imposed is guilty of
10 a misdemeanor. The provisions of this subsection do not apply to a
11 person found by the court to be indigent.

12 5. The Commission and the Department shall deposit all
13 money collected pursuant to this section in the State General Fund.
14 Money deposited in the State General Fund pursuant to this
15 subsection must be accounted for separately and may only be
16 expended upon legislative appropriation.

17 **Sec. 11.** Pursuant to the provisions of sections 4 and 9 of this
18 act, the State Environmental Commission shall, as soon as
19 practicable on or after October 1, 2005, adopt regulations
20 concerning the use of approved fuel additives in fleets.

21 **Sec. 12.** 1. This section and sections 1 to 6, inclusive, and 8
22 to 11, inclusive, of this act become effective on October 1, 2005.

23 2. Section 6 of this act expires by limitation on December 31,
24 2006.

25 3. Section 7 of this act becomes effective on January 1, 2007.



