

CHAPTER.....

AN ACT relating to motor vehicle products; revising the provisions governing motor vehicle fuel and petroleum products; providing a civil penalty for certain violations concerning the advertising of motor vehicle fuel and petroleum products; providing for the regulation of alternative fuel as a motor vehicle fuel; 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:

Section 1. Chapter 590 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The State Sealer of Weights and Measures shall adopt regulations establishing a schedule of civil penalties for any violation of this section, NRS 590.160 to 590.330, inclusive, and section 3 of this act.*

2. In addition to any criminal penalty that may be imposed, a person who violates any provision of this section, NRS 590.160 to 590.330, inclusive, and section 3 of this act is subject to a civil penalty in accordance with the schedule of civil penalties established by the State Sealer of Weights and Measures pursuant to subsection 1.

Sec. 3. 1. *A person subject to a civil penalty may request an administrative hearing within 10 days after receipt of the notice of the civil penalty. The State Sealer of Weights and Measures or his designee shall conduct the hearing after giving appropriate notice to the respondent. The decision of the State Sealer of Weights and Measures or his designee is subject to appropriate judicial review.*

2. If the respondent has exhausted his administrative appeals and the civil penalty has been upheld, he shall pay the civil penalty:

(a) If no petition for judicial review is filed pursuant to NRS 233B.130, within 40 days after the final decision of the State Sealer of Weights and Measures; or

(b) If a petition for judicial review is filed pursuant to NRS 233B.130 and the civil penalty is upheld, within 10 days after the effective date of the final decision of the court.

3. If the respondent fails to pay the civil penalty, a civil action may be brought by the State Sealer of Weights and Measures in any court of competent jurisdiction to recover the civil penalty. All civil penalties collected pursuant to this chapter must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 4. NRS 590.020 is hereby amended to read as follows:

590.020 As used in NRS 590.010 to 590.330, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires:

1. “Additives” means a substance to be added to a motor oil or lubricating oil to impart or improve desirable properties or to suppress undesirable properties.

2. “Advertising medium” means any sign, printed or written matter, or device for oral or visual communication.

3. *“Alternative fuel” includes, without limitation, premium diesel fuel, B-5 diesel fuel, B-10 diesel fuel, B-20 diesel fuel, B-100 diesel fuel, M-85, M-100, E-85, E-100, liquefied petroleum gas, natural gas, reformulated gasoline, gasohol and oxygenated fuel.*

4. *“Brand name” means a name or logo that is used to identify a business or company.*

5. *“Grade” means:*

(a) *“Regular,” “midgrade,” “plus,” “super,” “premium” or words of similar meaning when describing a grade designation for gasoline.*

(b) *“Diesel” or words of similar meaning, including, without limitation, any specific type of diesel, when describing a grade designation for diesel motor fuel.*

(c) *“M-85,” “M-100,” “E-85,” “E-100” or words of similar meaning when describing a grade designation for alternative fuel.*

(d) *“Propane,” “liquefied petroleum gas,” “compressed natural gas,” “liquefied natural gas” or words of similar meaning when describing pressurized gases.*

6. *“Motor vehicle fuel” means a petroleum product or alternative fuel used for internal combustion engines in motor vehicles.*

7. “Performance rating” means the system adopted by the American Petroleum Institute for the classification of uses for which an oil is designed.

~~[4-]~~ 8. “Petroleum products” means gasoline, diesel fuel, burner fuel kerosene, ~~[motor vehicle fuel,]~~ lubricating oil, motor oil or any product represented as motor oil or lubricating oil. The term does not include liquefied petroleum gas, natural gas or motor oil additives.

~~[5-]~~ 9. “Recycled oil” means a petroleum product which is prepared from used motor oil or used lubricating oil. The term includes rerefined oil.

~~[6-]~~ 10. “Rerefined oil” means used oil which is refined after its previous use to remove from the oil any contaminants acquired during the previous use.

~~[7-]~~ 11. “Used oil” means any oil which has been refined from crude or synthetic oil and, as a result of use, has become unsuitable

for its original purpose because of a loss of its original properties or the presence of impurities, but which may be suitable for another use or economically recycled.

~~[8-]~~ **12.** “Viscosity grade classification” means the measure of an oil’s resistance to flow at a given temperature according to the grade classification system of the Society of Automotive Engineers or other grade classification.

Sec. 5. NRS 590.030 is hereby amended to read as follows:

590.030 1. It is unlawful for any person to sell, attempt to sell, offer for sale or assist in the sale of any ~~[gasoline, diesel fuel or lubricating oil for internal combustion engines,]~~ **motor vehicle fuel** and willfully and falsely to represent that ~~[gasoline, diesel fuel or lubricating oil]~~ **motor vehicle fuel** to be ~~[gasoline, diesel fuel or lubricating oil]~~ **a motor vehicle fuel** of any dealer, manufacturer or producer other than the true dealer, manufacturer or producer thereof.

2. It is unlawful for any member of a firm or any officer of a corporation knowingly to permit any employee of the firm or corporation to sell, offer for sale or assist in the sale of any ~~[gasoline, diesel fuel or lubricating oil for internal combustion engines,]~~ **motor vehicle fuel** and falsely to represent that ~~[gasoline, diesel fuel or lubricating oil]~~ **motor vehicle fuel** to be the ~~[gasoline, diesel fuel or lubricating oil]~~ **motor vehicle fuel** of any dealer, manufacturer or producer other than the true dealer, manufacturer or producer thereof.

3. This section does not apply to any person who sells or offers for sale, under his own name or brand ~~[]~~ **name**, the product or output of another manufacturer or producer with the written consent of the manufacturer or producer.

Sec. 6. NRS 590.040 is hereby amended to read as follows:

590.040 1. It is unlawful for any person to sell or offer to sell any ~~[gasoline, diesel fuel or oil represented as lubricating oil for internal combustion engines,]~~ **motor vehicle fuel** unless a sign or label is firmly attached to or painted at or near the outlet of the container from which or into which the ~~[gasoline, diesel fuel or oil represented as lubricating oil or motor oil]~~ **motor vehicle fuel** is dispensed or received for sale or delivery. Except as otherwise provided in this section, the sign or label, in letters not less than one-half inch in height, must contain the brand ~~[or trade name followed by the word or words “Gasoline,” “Diesel Fuel,” “Lubricating Oil” or “Motor Oil.”]~~ **name and the grade designation of the motor vehicle fuel**. All containers and dispensers of lubricating and motor oil must also be labeled in the same manner with the oil’s viscosity grade classification and performance rating. If a lubricating or motor oil has more than one viscosity grade classification or performance rating, each viscosity grade classification and performance rating

must be included in the label. When the sign or label is attached to the faucet or valve of a tank truck or tank wagon, the letters must be not less than one-half inch in height. The provisions of this subsection do not apply to any oil labeled "prediluted" or intended only for mixture with gasoline or other motor vehicle fuel in a two-cycle engine.

2. The inlet end of the fill pipe to each ~~[underground]~~ storage tank of ~~[gasoline or diesel]~~ **motor vehicle** fuel must be labeled with the brand name and the grade of the ~~[gasoline or diesel]~~ **motor vehicle** fuel contained therein ~~[~~

~~3. Petroleum product delivery]~~ **or have a product-specific pressure vessel fill connection.**

3. **Delivery** outlets **for motor vehicle fuel** on tank delivery trucks must be labeled to comply with the requirements of this section before departure from the bulk plants.

4. If any ~~[gasoline]~~ **motor vehicle fuel** has no brand ~~[or trade]~~ name, the sign or label required by subsection 1 must consist of ~~[the]~~ words, in letters not less than 3 inches high, ~~["Gasoline, No Brand."~~

~~5. If any diesel fuel has no brand or trade name, the sign or label required by subsection 1 must consist of the words, in letters not less than 3 inches high, "Diesel, No Brand."~~

~~6. If any lubricating oil or motor oil has no brand or trade name, the sign or label required by subsection 1 must consist of the words, in letters not less than 3 inches high, "Lubricating Oil, No Brand," or "Motor Oil, No Brand."~~

~~7.]~~ **that designate the specific type of motor vehicle fuel followed by the words "No Brand," such as "Gasoline, No Brand" or "E-100, No Brand."**

5. On any container with a net content of 1 United States gallon or less, the brand ~~[, trademark or trade name,]~~ **name or trademark**, the name and address of the distributor or manufacturer, the viscosity grade classification, the performance rating and the words "Motor Oil" or "Lubricating Oil" ~~[may]~~ **must** be painted, printed, embossed or otherwise firmly affixed on the container in letters and numerals of legible size. Such a designation constitutes compliance with the provisions of this section.

~~[8.]~~ 6. Small hand measures used for delivery of petroleum products ~~[, and]~~ **or motor vehicle fuel that are** filled in the presence of the customer ~~[]~~ need not be labeled in accordance with the provisions of NRS 590.010 to 590.150, inclusive, if the receptacle, container or pump from which petroleum products ~~[are]~~ **or motor vehicle fuel is** drawn or poured into the hand measures is properly labeled as required by the provisions of NRS 590.010 to 590.150, inclusive.

Sec. 7. NRS 590.050 is hereby amended to read as follows:

590.050 1. It is unlawful for any person, or any officer, agent or employee thereof, engaged in or operating in the business of selling at retail any ~~[gasoline or diesel fuel as fuel for internal combustion engines,]~~ **motor vehicle fuel** or lubricating oil for internal combustion engines, to display any sign or other designating mark, at or near his place of business, which describes or designates a brand ~~[or trade]~~ name of a ~~[gasoline, diesel fuel or lubricating oil for internal combustion engines]~~ **motor vehicle fuel** not actually sold or offered for sale or delivery at the place of business where the sign or other designating mark is displayed.

2. It is unlawful for any person, or **any** officer, agent or employee thereof, to make or cause to be made, by means of any advertising medium whatever, any statement concerning the sale of ~~[petroleum products]~~ **motor vehicle fuel** or the performance characteristics thereof which is known to him to be untrue or misleading, or which by the exercise of reasonable care and diligence should be known to him to be untrue or misleading.

Sec. 8. NRS 590.060 is hereby amended to read as follows:

590.060 1. Except as otherwise provided in NRS 590.063 and 590.065, it is unlawful for any person, or any officer, agent or employee thereof, to adulterate any petroleum ~~[products, and]~~ **product or motor vehicle fuel**, to sell, attempt to sell, offer for sale or assist in the sale of any ~~[of the products]~~ **product** resulting from the adulteration, and to represent the product as the petroleum product **or motor vehicle fuel** of a brand ~~[or trade]~~ name in general use by any other marketer or producer of petroleum products ~~[]~~ **or motor vehicle fuel**.

2. Whenever the description of any petroleum product **or motor vehicle fuel** is displayed on any tank, receptacle or other delivery device used for sale to the public, the kind, character and name of the petroleum product **or motor vehicle fuel** dispensed therefrom must correspond to the representations thereon.

3. Except as otherwise provided in this subsection, it is unlawful for any person, or any officer, agent or employee thereof, to deposit or deliver into any tank, receptacle or other container any ~~[gasoline, diesel fuel or lubricating oil]~~ **petroleum product or motor vehicle fuel** other than the ~~[gasoline, diesel fuel or lubricating oil]~~ **petroleum product or motor vehicle fuel** intended to be stored in the tank, receptacle or container and distributed therefrom, as indicated by the name of the producer, manufacturer or distributor ~~[or the trade name]~~ of the product displayed on the container itself, or on the pump, **dispenser** or other distributing device used in connection therewith. This section does not apply to any person who sells or offers for sale under his name or brand **name** the product or

output of another manufacturer or producer, with the consent of ~~{this}~~ *that* manufacturer or producer.

4. If used oil or recycled oil, other than rerefined oil, is sold or offered for sale or delivery in this State, the container in which that oil is sold or offered for sale or delivery must bear a superimposed sign or label containing the clearly legible words "Recycled Oil" or "Used Oil."

Sec. 9. NRS 590.063 is hereby amended to read as follows:

590.063 1. The use of pumps , *dispensers* or other devices which are capable of withdrawing gasoline from each of two tanks containing different qualities of the same petroleum product *or motor vehicle fuel* and dispensing them as a single combined product must be authorized if the Division of Measurement Standards of the State Department of Agriculture determines that all ~~{of}~~ the following conditions exist:

(a) The device mechanism accurately measures the quantities of the gasoline being simultaneously withdrawn from each of the two tanks and the quantity dispensed.

(b) The device mechanism accurately and visibly records and displays the resulting combined quality, the total quantity, the price per gallon for the particular quality combination being dispensed ~~{,}~~ and the total price of the quantity of gasoline dispensed at the particular sale.

(c) The device has a locking selector mechanism which prevents the changing of the proportion of the two qualities being combined during the dispensing of the desired quantity.

2. The provisions of this section authorize the operation of a blending type of pump *or dispenser* connected to two tanks containing two different grades of the same product, which, if blended together in different proportions, will produce gasoline of different octane rating, each blend of which meets the specifications for gasoline as required by this chapter.

Sec. 10. NRS 590.065 is hereby amended to read as follows:

590.065 1. The use of pumps , *dispensers* or other devices which are capable of withdrawing gasoline from one tank containing gasoline and another tank containing motor oil and dispensing them as a single combined product and of withdrawing gasoline alone from the tank containing gasoline must be authorized if the Division of Measurement Standards of the State Department of Agriculture determines that all ~~{of}~~ the following conditions exist:

(a) The device mechanism accurately measures the quantities being simultaneously withdrawn for dispensing as a combined product from each of the two tanks when the combined product is dispensed, and the quantity being dispensed from the gasoline tank alone when gasoline alone is dispensed.

(b) The device mechanism accurately and visibly records and displays the ratio of gasoline to motor oil, the quantity of each ingredient being dispensed, the price per gallon for gasoline being dispensed and the price per quart for motor oil being dispensed, or ~~{a device the mechanism of which}~~ accurately and visibly records and displays the ratio of gasoline to motor oil ~~{ }~~ *and* the total volume of the oil and gasoline mixture delivered, and computes the total cost based upon the price set for the finished blend.

(c) The device mechanism prevents the changing of the ratio of gasoline to motor oil during dispensing.

(d) There is firmly attached to or painted upon the device mechanism panel a sign or label plainly visible consisting of the words ~~["outboard"]~~ *"two-cycle"* motor fuel" ~~{in letters not less than one half inch in height,}~~ together with the brand ~~{, trademark or trade}~~ name *or trademark* of the product, *all of* which must be in letters ~~{of}~~ not less than one-half inch in height.

2. The provisions of this section authorize the operation of a blending type of pump *or dispenser* connected to two tanks, one containing motor oil and the other gasoline, but only if the motor oil in its separate state meets the specifications for lubricating oil as required by NRS 590.080 ~~{ }~~ and the gasoline in its separate state meets the specifications for gasoline as required by NRS 590.070.

Sec. 11. NRS 590.070 is hereby amended to read as follows:

590.070 1. The State Board of Agriculture shall adopt regulations relating to the standards for *motor vehicle fuel and* petroleum products used in internal combustion engines.

2. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale, any petroleum or petroleum product as, or purporting to be, ~~{gasoline or diesel}~~ *motor vehicle* fuel, unless it conforms with the regulations adopted by the State Board of Agriculture pursuant to this section.

3. This section does not apply to aviation fuel.

4. In addition to any criminal penalty that is imposed pursuant to the provisions of NRS 590.150, any person who violates any provision of this section may be further punished as provided in NRS 590.071.

Sec. 12. NRS 590.071 is hereby amended to read as follows:

590.071 1. The State Board of Agriculture shall:

(a) Enforce the standards relating to *motor vehicle fuel and* petroleum products adopted pursuant to NRS 590.070.

(b) Adopt regulations specifying a schedule of fines that it may impose, upon notice and hearing, for each violation of the provisions of NRS 590.070. The maximum fine that may be imposed by the Board for each violation must not exceed \$5,000 per day. All fines collected by the Board pursuant to the regulations

adopted pursuant to this subsection must be ~~[remitted to the county treasurer of the county in which the violation occurred]~~ **deposited with the State Treasurer** for credit to the ~~[county school district fund.]~~ **State General Fund.**

2. The State Board of Agriculture may:

(a) In addition to imposing a fine pursuant to subsection 1, issue an order requiring a violator to take appropriate action to correct the violation.

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the Board suspects may have violated any provision of NRS 590.070.

Sec. 13. NRS 590.073 is hereby amended to read as follows:

590.073 1. It is unlawful for any person to sell, offer for sale or assist in the sale of, or permit to be sold or offered for sale, any aviation fuel unless such fuel conforms to the specification standards prescribed by regulation of the State Sealer of Weights and Measures. The State Sealer of Weights and Measures may follow the specification standards set forth by ~~[the American Society for Testing and Materials.]~~ **ASTM International.**

2. This section does not apply to aviation fuel for use by military aircraft.

Sec. 14. NRS 590.100 is hereby amended to read as follows:

590.100 The State Sealer of Weights and Measures is charged with the proper enforcement of NRS 590.010 to 590.150, inclusive, and ~~[shall have]~~ **has** the following powers and duties:

1. He may publish reports relating to petroleum products **and motor vehicle fuel** in such form and at such times as he deems necessary.

2. He, or his appointees, shall inspect and check the accuracy of all ~~[petroleum products]~~ measuring devices **for petroleum products and motor vehicle fuel** maintained in this State, and shall seal all such devices whose tolerances are found to be within those prescribed by the National ~~[Bureau of Standards.]~~ **Institute of Standards and Technology.**

3. He, or his appointees, or any member of the Nevada Highway Patrol, may take such samples as he deems necessary of any petroleum product ~~[when it]~~ **or motor vehicle fuel that** is kept, transported or stored within the State of Nevada. It is unlawful for any person, or any officer, agent or employee thereof, to refuse to permit the State Sealer of Weights and Measures, or his appointees, or any member of the Nevada Highway Patrol, in the State of Nevada, to take such samples, or to prevent or to attempt to prevent the State Sealer of Weights and Measures, or his appointees, or any member of the Nevada Highway Patrol, from taking them. If the person, or any officer, agent or employee thereof, from which a sample is taken at the time of taking demands payment, then the

person taking the sample shall pay the reasonable market price for the quantity taken.

4. He, or his appointees, may close and seal the outlets of any unlabeled or mislabeled containers, pumps , *dispensers* or storage tanks connected thereto or which contain any petroleum product *or motor vehicle fuel* which, if sold, would violate any of the provisions of NRS 590.010 to 590.150, inclusive, and shall post, in a conspicuous place on the premises where those containers, pumps , *dispensers* or storage tanks have been sealed, a notice stating that the action of sealing has been taken in accordance with the provisions of NRS 590.010 to 590.150, inclusive, and giving warning that it is unlawful to break, mutilate or destroy the seal or seals thereof under penalty as provided in NRS 590.110.

5. He, or his appointees, shall, upon at least 24 hours' notice to the owner, manager, operator or attendant of the premises where a container, pump , *dispenser* or storage tank has been sealed , ~~{as herein provided,}~~ and at the time specified in the notice, break the seal for the purpose of permitting the removal of the contents of the container, pump , *dispenser* or storage tank. If the contents are not immediately and completely removed, the container, pump , *dispenser* or storage tank must be again sealed . ~~{as herein provided.}~~

6. He shall adopt regulations which are necessary for the enforcement of NRS 590.010 to 590.150, inclusive, including standard procedures for testing petroleum products *or motor vehicle fuel* which are based on sources such as those approved by ~~{the American Society for Testing Materials,}~~ *ASTM International*, and may adopt specifications for any fuel for use in internal combustion engines which is sold or offered for sale and contains any alcohol or other combustible chemical that is not a petroleum product ~~{or motor vehicle fuel.}~~

Sec. 15. NRS 590.105 is hereby amended to read as follows:

590.105 For the purpose of testing petroleum products *or motor vehicle fuel* as provided in NRS 590.010 to 590.150, inclusive, the ASTM-IP Petroleum Measurement Tables, American Edition, ~~{shall}~~ *must* be used for gravity and volume conversion and temperature correction of 60°F.

Sec. 16. NRS 590.110 is hereby amended to read as follows:

590.110 It is unlawful for any person other than the State Sealer of Weights and Measures or his appointees to break, mutilate or destroy any seal placed on any container, pump , *dispenser* or storage tank by the State Sealer of Weights and Measures or his appointees, or to cover, deface or remove, or attempt to cover, deface or remove, any notice of sealing posted by the State Sealer of Weights and Measures or his appointees . ~~{as herein provided.}~~

Sec. 17. NRS 590.150 is hereby amended to read as follows:

590.150 1. Any person, or any officer, agent or employee thereof, who violates any of the provisions of NRS 590.010 to ~~{590.065, inclusive, or 590.071 to}~~ 590.140, inclusive, is guilty of a misdemeanor.

2. Each such person, or any officer, agent or employee thereof, ~~{shall be deemed}~~ *is* guilty of a separate offense for each day during any portion of which any violation of any provision of NRS 590.010 to 590.140, inclusive, is committed, continued or permitted by such person, or any officer, agent or employee thereof, and shall be ~~{punishable}~~ *punished* as provided in this section.

3. The selling and delivery of any petroleum product *or motor vehicle fuel* mentioned in NRS 590.010 to 590.140, inclusive, is prima facie evidence of the representation on the part of the vendor that the quality sold and delivered was the quality bought by the vendee.

Sec. 18. NRS 590.160 is hereby amended to read as follows:

590.160 *The provisions of* NRS 590.160 to 590.330, inclusive, ~~{shall}~~ *and sections 2 and 3 of this act, must* be administered by the State Sealer of Weights and Measures.

Sec. 19. NRS 590.170 is hereby amended to read as follows:

590.170 1. Except as otherwise provided in this section, a person shall not keep, maintain or display in this State any advertising medium which indicates, ~~{or}~~ shows or advertises the price of motor vehicle fuel sold, offered for sale or advertised for sale from the premises, unless the actual price per unit of measure of motor vehicle fuel, including taxes, is also shown on the advertising medium, together with the ~~{word or words "gasoline" or "diesel fuel," and the trade name or brand.}~~ *brand name and the individual grade or grades of the motor vehicle fuel being advertised.* If motor vehicle fuel prices are advertised in units of measure other than the gallon, the actual price per unit of measure along with the equivalent price per gallon and the word designating the unit of measure must be displayed on the face of the pump ~~{}~~ *or dispenser.*

2. The price of diesel fuel may be advertised excluding state tax, but only by a sign which clearly and conspicuously contains the wording "With Permit," "With State Permit " ~~{}~~ or words of similar meaning in letters of uniform size not less than 4 inches in height. Diesel fuel dispensers displaying unit price without state tax must be labeled in letters not less than 1 inch in height with the words "Permit Price," "With State Permit " ~~{}~~ or words of similar meaning.

3. Except as otherwise provided in subsection 2, retail devices displaying the unit price to compute or record deliveries must not be considered an advertising medium.

Sec. 20. NRS 590.180 is hereby amended to read as follows:

590.180 1. No person offering for sale or selling any motor vehicle fuel in the State of Nevada may post or display a sign or statement or other advertising medium reading, in substance, "save" a designated amount, or a designated amount per unit of measure, such as "save 5 cents" or "save 5 cents per gallon," or using the expression "off" a designated amount, such as "5 cents off" or "5 cents less," or "discount" of a given amount, such as ~~["5-cents"]~~ **"5-cent discount,"** or otherwise using the words "save," "off," "discount," "wholesale," "below," or any of them, or a word or words of similar meaning or other phraseology indicating a reduced price, unless there is posted and displayed in letters of equal size and as part of the same sign, statement or other advertising medium the total price, including all taxes, at which motor vehicle fuel is being sold or offered for sale, designating the price for each brand ~~for trade~~ name **or grade** of motor vehicle fuel being sold or offered for sale.

2. The size of the letters, words, figures or numerals used to indicate the total price per unit of measure, including all taxes, must be of a size as provided under the provisions of NRS 590.200.

Sec. 21. NRS 590.190 is hereby amended to read as follows:

590.190 If motor vehicle fuel is offered for sale or advertised for sale from the premises of any place of business in this State, but not under any ~~{trade name or}~~ brand name, then the words "no brand" must be used and designated on the advertising medium.

Sec. 22. NRS 590.200 is hereby amended to read as follows:

590.200 All letters, figures or numerals used in designating the brand name or words "no brand" in any advertising medium referred to in NRS 590.160 to 590.330, inclusive, **and sections 2 and 3 of this act** must be of uniform size and must not be less than **6 inches in height or** one-third the size of the numerals designating the price **, whichever is larger,** and the height must not be more than twice the dimension of the width of each letter, or figure or numeral.

Sec. 23. NRS 590.210 is hereby amended to read as follows:

590.210 All letters used in designating ~~{the word "gasoline" or the words "diesel fuel"}~~ **each individual grade of motor vehicle fuel** must be at least 4 inches in height **,** and the height must not be more than twice the dimension of the width of each letter.

Sec. 24. NRS 590.220 is hereby amended to read as follows:

590.220 All letters, words, figures or numerals used on the advertising medium referred to in NRS 590.160 to 590.330, inclusive, **and sections 2 and 3 of this act** to indicate prices of motor vehicle fuel sold or advertised for sale must be uniform in size and must be at least ~~{six}~~ **6** inches in height, and the height must not be more than twice the width. **If a fraction displaying a numerator and a denominator is used in lieu of a full-size**

numeral on a price sign, the fraction must be of the same height and design as the other numerals indicating price. Numerators without denominators must not be used for fractions. The advertising medium must indicate the price of the fuel per gallon.

Sec. 25. NRS 590.230 is hereby amended to read as follows:

590.230 1. The advertising medium referred to in NRS 590.160 to 590.330, inclusive, *and sections 2 and 3 of this act* must not contain any other advertising matter except words of description of the product sold or offered for sale, and method of sale, such as “self-serve,” “full serve” ~~[“”]~~ or words of similar meaning. If words of description or method of sale of the product offered or advertised by any such sign are used, the letters, figures or numerals which form any words must not be larger than the words, marks, letters, figures or numerals used in forming or designating the price per unit of measure.

2. ~~[When]~~ *If* the price of a brand *name* or grade of motor vehicle fuel is advertised by means of a price sign and is sold at different prices from the dispensing devices on the premises, the sign or signs advertising the price must include notice of the conditions under which the brand *name* or grade is sold. ~~[When]~~ *If the sign advertises only the cash price, as a condition of sale for the motor vehicle fuel offered for sale on the premises, the sign must clearly state “cash” in letters a minimum of 6 inches in height or one-third the size of the numerals in announcing the price, whichever is larger.* If terms stating the condition of sale, including “self-serve,” “full serve,” or words of similar meaning, appear on a price sign, there must be signs designating “self-serve” and “full serve” islands, pumps or dispensing devices in letters of 4 inches in height or more, conspicuously posted, showing the pumps or dispensing devices where the product is sold at each price.

Sec. 26. NRS 590.270 is hereby amended to read as follows:

590.270 All words, letters, figures or numerals on the advertising medium referred to in NRS 590.160 to 590.330, inclusive, *and sections 2 and 3 of this act* which form or designate the brand name or the words “no brand” must be of like color or tint, and all words, letters, figures or numerals designating or indicating the price of motor vehicle fuel so offered for sale must be of like color or tint, and all ~~[letters used in the word “gasoline” or the words “diesel fuel”]~~ *words, letters, figures or numerals used in designating the grades and conditions of sale of motor vehicle fuel being advertised* must be of like color or tint.

Sec. 27. NRS 590.320 is hereby amended to read as follows:

590.320 It is unlawful for any person engaged in the business of selling at retail any *motor vehicle fuel or* petroleum ~~[products]~~ *product* for internal combustion engines ~~[“”]~~ to display any sign or other designating mark at or near the person’s place of business

describing or designating a brand ~~[, trademark or trade]~~ name , *a trademark* or the words “no brand” ~~[of]~~ *with respect to* any *motor vehicle fuel or* petroleum ~~[products]~~ *product* for internal combustion engines ~~[, not actually sold or offered]~~ *that is not currently available* for sale or delivery at the person’s place of business.

Sec. 28. NRS 590.330 is hereby amended to read as follows:

590.330 Any violation of the provisions of NRS 590.160 to 590.330, inclusive, *and sections 2 and 3 of this act* shall be punished:

1. For the first conviction, by a fine of not more than \$500.
2. For the second conviction, for a misdemeanor.
3. For the third and subsequent convictions, for a gross misdemeanor.

Sec. 29. NRS 561.305 is hereby amended to read as follows:

561.305 The Department shall establish and maintain a laboratory for the following purposes:

1. The diagnosis of infectious, contagious and parasitic diseases of animals, as may be necessary under the provisions of chapter 571 of NRS.

2. The diagnosis of infectious, contagious and parasitic diseases of bees, as may be necessary under the provisions of *chapter 552 of NRS . [552.085 to 552.310, inclusive.]*

3. The diagnosis of infectious, contagious and destructive diseases of agricultural commodities, and infestations thereof by pests, as may be necessary under the provisions of *chapter 554 of NRS . [554.010 to 554.240, inclusive.]*

4. The survey and identification of insect pests, plant diseases and noxious weeds, and the maintenance of a herbarium, as may be necessary under the provisions of NRS ~~[555.010]~~ *555.005* to 555.249, inclusive.

5. The testing of pesticides, as may be necessary under the provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to 586.450, inclusive.

6. The safekeeping and maintenance of official standards of weights and measures, as may be necessary under the provisions of chapter 581 of NRS.

7. The testing and grading of agricultural products and the testing of the purity and germinating power of agricultural seeds and the testing of the spray residue contained in produce, as may be necessary under the provisions of chapter 587 of NRS.

8. The analysis and testing of commercial fertilizers and agricultural minerals, as may be necessary under the provisions of chapter 588 of NRS.

9. The analysis and testing of petroleum products ~~or~~ *or motor vehicle fuel*, as may be necessary under the provisions of NRS 590.010 to 590.150, inclusive.

10. The analysis and testing of antifreeze, as may be necessary under the provisions of NRS 590.340 to 590.450, inclusive.

11. Any laboratory examinations, diagnoses, analyses or testing as may be deemed necessary by the Director and which can be made with equipment available in any such laboratory. Any resident of this State may submit samples to the Department for examination, diagnosis, analysis or testing, subject to such rules and regulations as may be adopted by the Director.

Sec. 30. NRS 561.385 is hereby amended to read as follows:

561.385 1. The Agriculture Registration and Enforcement Account is hereby created in the State General Fund for the use of the Department.

2. The following fees must be deposited in the Agriculture Registration and Enforcement Account:

(a) Except as otherwise provided in NRS 586.270, fees collected pursuant to the provisions of NRS 586.010 to 586.450, inclusive.

(b) Fees collected pursuant to the provisions of chapter 588 of NRS.

(c) Fees collected pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

(d) Laboratory fees collected for the testing of pesticides as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to 586.450, inclusive.

(e) Laboratory fees collected for the analysis and testing of commercial fertilizers and agricultural minerals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 588 of NRS.

(f) Laboratory fees collected for the analysis and testing of petroleum products ~~or~~ *or motor vehicle fuel*, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.010 to 590.150, inclusive.

(g) Laboratory fees collected for the analysis and testing of antifreeze, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

3. Expenditures from the Agriculture Registration and Enforcement Account may be made only to carry out the provisions of this chapter, *NRS 555.2605 to 555.460, inclusive, or* chapters 586, 588 and 590 of NRS . ~~{and NRS 555.2605 to 555.460, inclusive.}~~

Sec. 31. NRS 590.240 is hereby repealed.

