

SENATE BILL NO. 295—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE DIVISION OF MEASUREMENT STANDARDS)

MARCH 24, 2005

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing motor vehicle fuel and petroleum products. (BDR 51-658)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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 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*



1 *established by the State Sealer of Weights and Measures pursuant*  
2 *to subsection 1.*

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

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

12 (a) *If no petition for judicial review is filed pursuant to NRS*  
13 *233B.130, within 40 days after the final decision of the State*  
14 *Sealer of Weights and Measures; or*

15 (b) *If a petition for judicial review is filed pursuant to NRS*  
16 *233B.130 and the civil penalty is upheld, within 10 days after the*  
17 *effective date of the final decision of the court.*

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

23 **Sec. 4.** NRS 590.020 is hereby amended to read as follows:  
24 590.020 As used in NRS 590.010 to 590.330, inclusive, *and*  
25 *sections 2 and 3 of this act*, unless the context otherwise requires:

26 1. "Additives" means a substance to be added to a motor oil or  
27 lubricating oil to impart or improve desirable properties or to  
28 suppress undesirable properties.

29 2. "Advertising medium" means any sign, printed or written  
30 matter, or device for oral or visual communication.

31 3. "Alternative fuel" includes, without limitation, premium  
32 diesel fuel, B-5 diesel fuel, B-10 diesel fuel, B-20 diesel fuel, B-  
33 100 diesel fuel, M-85, M-100, E-85, E-100, liquefied petroleum  
34 gas, natural gas, reformulated gasoline, gasohol and oxygenated  
35 fuel.

36 4. "Brand name" means a name or logo that is used to  
37 identify a business or company.

38 5. "Grade" means:

39 (a) "Regular," "midgrade," "plus," "super," "premium" or  
40 words of similar meaning when describing a grade designation for  
41 gasoline.

42 (b) "Diesel" or words of similar meaning, including, without  
43 limitation, any specific type of diesel, when describing a grade  
44 designation for diesel motor fuel.



1 (c) "M-85," "M-100," "E-85," "E-100" or words of similar  
2 meaning when describing a grade designation for alternative fuel.

3 (d) "Propane," "liquefied petroleum gas," "compressed  
4 natural gas," "liquefied natural gas" or words of similar meaning  
5 when describing pressurized gases.

6 6. "Motor vehicle fuel" means a petroleum product or  
7 alternative fuel used for internal combustion engines in motor  
8 vehicles.

9 7. "Performance rating" means the system adopted by the  
10 American Petroleum Institute for the classification of uses for which  
11 an oil is designed.

12 ~~[4.]~~ 8. "Petroleum products" means gasoline, diesel fuel,  
13 burner fuel kerosene, ~~[motor vehicle fuel,]~~ lubricating oil, motor oil  
14 or any product represented as motor oil or lubricating oil. The term  
15 does not include liquefied petroleum gas, natural gas or motor oil  
16 additives.

17 ~~[5.]~~ 9. "Recycled oil" means a petroleum product which is  
18 prepared from used motor oil or used lubricating oil. The term  
19 includes rerefined oil.

20 ~~[6.]~~ 10. "Rerefined oil" means used oil which is refined after  
21 its previous use to remove from the oil any contaminants acquired  
22 during the previous use.

23 ~~[7.]~~ 11. "Used oil" means any oil which has been refined from  
24 crude or synthetic oil and, as a result of use, has become unsuitable  
25 for its original purpose because of a loss of its original properties or  
26 the presence of impurities, but which may be suitable for another  
27 use or economically recycled.

28 ~~[8.]~~ 12. "Viscosity grade classification" means the measure of  
29 an oil's resistance to flow at a given temperature according to the  
30 grade classification system of the Society of Automotive Engineers  
31 or other grade classification.

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

33 590.030 1. It is unlawful for any person to sell, attempt to  
34 sell, offer for sale or assist in the sale of any ~~[gasoline, diesel fuel or~~  
35 ~~lubricating oil for internal combustion engines,]~~ **motor vehicle fuel**  
36 and willfully and falsely to represent that ~~[gasoline, diesel fuel or~~  
37 ~~lubricating oil]~~ **motor vehicle fuel** to be ~~[gasoline, diesel fuel or~~  
38 ~~lubricating oil]~~ **a motor vehicle fuel** of any dealer, manufacturer or  
39 producer other than the true dealer, manufacturer or producer  
40 thereof.

41 2. It is unlawful for any member of a firm or any officer of a  
42 corporation knowingly to permit any employee of the firm or  
43 corporation to sell, offer for sale or assist in the sale of any  
44 ~~[gasoline, diesel fuel or lubricating oil for internal combustion~~  
45 ~~engines,]~~ **motor vehicle fuel** and falsely to represent that ~~[gasoline,~~



1 ~~diesel fuel or lubricating oil~~ *motor vehicle fuel* to be the ~~gasoline,~~  
2 ~~diesel fuel or lubricating oil~~ *motor vehicle fuel* of any dealer,  
3 manufacturer or producer other than the true dealer, manufacturer or  
4 producer thereof.

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

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

10 590.040 1. It is unlawful for any person to sell or offer to sell  
11 any ~~gasoline, diesel fuel or oil represented as lubricating oil for~~  
12 ~~internal combustion engines,~~ *motor vehicle fuel* unless a sign or  
13 label is firmly attached to or painted at or near the outlet of the  
14 container from which or into which the ~~gasoline, diesel fuel or oil~~  
15 ~~represented as lubricating oil or motor oil~~ *motor vehicle fuel* is  
16 dispensed or received for sale or delivery. Except as otherwise  
17 provided in this section, the sign or label, in letters not less than one-  
18 half inch in height, must contain the brand ~~for trade name followed~~  
19 ~~by the word or words "Gasoline," "Diesel Fuel," "Lubricating Oil"~~  
20 ~~or "Motor Oil."~~ *name and the grade designation of the motor*  
21 *vehicle fuel*. All containers and dispensers of lubricating and motor  
22 oil must also be labeled in the same manner with the oil's viscosity  
23 grade classification and performance rating. If a lubricating or motor  
24 oil has more than one viscosity grade classification and performance  
25 rating, each viscosity grade classification and performance rating  
26 must be included in the label. When the sign or label is attached to  
27 the faucet or valve of a tank truck or tank wagon, the letters must be  
28 not less than one-half inch in height. The provisions of this  
29 subsection do not apply to any oil labeled "prediluted" or intended  
30 only for mixture with gasoline or other motor vehicle fuel in a two-  
31 cycle engine.

32 2. The inlet end of the fill pipe to each ~~underground~~ storage  
33 tank of ~~gasoline or diesel~~ *motor vehicle* fuel must be labeled with  
34 the brand name and the grade of the ~~gasoline or diesel~~ *motor*  
35 *vehicle* fuel contained therein ~~for~~  
36 ~~—3. Petroleum product delivery~~ *or have a product-specific*  
37 *pressure vessel fill connection.*

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

41 4. If any ~~gasoline~~ *motor vehicle fuel* has no brand ~~for trade~~  
42 name, the sign or label required by subsection 1 must consist of  
43 ~~the~~ words, in letters not less than 3 inches high, ~~for "Gasoline, No~~  
44 ~~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.



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

2       590.060 1. Except as otherwise provided in NRS 590.063  
3 and 590.065, it is unlawful for any person, or any officer, agent or  
4 employee thereof, to adulterate any petroleum ~~[products, and]~~  
5 *product or motor vehicle fuel*, to sell, attempt to sell, offer for sale  
6 or assist in the sale of any ~~[of the products]~~ *product* resulting from  
7 the adulteration, and to represent the product as the petroleum  
8 product *or motor vehicle fuel* of a brand ~~[or trade]~~ name in general  
9 use by any other marketer or producer of petroleum products ~~[ ]~~ *or*  
10 *motor vehicle fuel*.

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

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

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

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

36       590.063 1. The use of pumps, *dispensers* or other devices  
37 which are capable of withdrawing gasoline from each of two tanks  
38 containing different quantities of the same petroleum product *or*  
39 *motor vehicle fuel* and dispensing them as a single combined  
40 product must be authorized if the Division of Measurement  
41 Standards of the State Department of Agriculture determines that all  
42 ~~[of]~~ the following conditions exist:

43       (a) The device mechanism accurately measures the quantities of  
44 the gasoline being simultaneously withdrawn from each of the two  
45 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





1 containing motor oil and the other gasoline, but only if the motor oil  
2 in its separate state meets the specifications for lubricating oil as  
3 required by NRS 590.080 ~~[ ]~~ and the gasoline in its separate state  
4 meets the specifications for gasoline as required by NRS 590.070.

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

6 590.070 1. The State Board of Agriculture shall adopt  
7 regulations relating to the standards for *motor vehicle fuel and*  
8 petroleum products used in internal combustion engines.

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

15 3. This section does not apply to aviation fuel.

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

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

21 590.071 1. The State Board of Agriculture shall:

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

24 (b) Adopt regulations specifying a schedule of fines that it may  
25 impose, upon notice and hearing, for each violation of the  
26 provisions of NRS 590.070. The maximum fine that may be  
27 imposed by the Board for each violation must not exceed \$5,000 per  
28 day. All fines collected by the Board pursuant to the regulations  
29 adopted pursuant to this subsection must be ~~[remitted to the county~~  
30 ~~treasurer of the county in which the violation occurred]~~ *deposited*  
31 *with the State Treasurer* for credit to the ~~[county school district~~  
32 ~~fund.]~~ *State General Fund.*

33 2. The State Board of Agriculture may:

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

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

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

41 590.073 1. It is unlawful for any person to sell, offer for sale  
42 or assist in the sale of, or permit to be sold or offered for sale, any  
43 aviation fuel unless such fuel conforms to the specification  
44 standards prescribed by regulation of the State Sealer of Weights  
45 and Measures. The State Sealer of Weights and Measures may





1 follow the specification standards set forth by ~~[the American Society~~  
2 ~~for Testing and Materials.]~~ *ASTM International*.

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

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

6 590.100 The State Sealer of Weights and Measures is charged  
7 with the proper enforcement of NRS 590.010 to 590.150, inclusive,  
8 and ~~[shall have]~~ *has* the following powers and duties:

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

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

18 3. He, or his appointees, or any member of the Nevada  
19 Highway Patrol, may take such samples as he deems necessary of  
20 any petroleum product ~~[when it]~~ *or motor vehicle fuel that* is kept,  
21 transported or stored within the State of Nevada. It is unlawful for  
22 any person, or any officer, agent or employee thereof, to refuse to  
23 permit the State Sealer of Weights and Measures, or his appointees,  
24 or any member of the Nevada Highway Patrol, in the State of  
25 Nevada, to take such samples, or to prevent or to attempt to prevent  
26 the State Sealer of Weights and Measures, or his appointees, or any  
27 member of the Nevada Highway Patrol, from taking them. If the  
28 person, or any officer, agent or employee thereof, from which a  
29 sample is taken at the time of taking demands payment, then the  
30 person taking the sample shall pay the reasonable market price for  
31 the quantity taken.

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

43 5. He, or his appointees, shall, upon at least 24 hours' notice to  
44 the owner, manager, operator or attendant of the premises where a  
45 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.



1     **Sec. 18.** NRS 590.160 is hereby amended to read as follows:  
2     590.160 *The provisions of* NRS 590.160 to 590.330, inclusive,  
3 ~~{shall}~~ *and sections 2 and 3 of this act, must* be administered by the  
4 State Sealer of Weights and Measures.

5     **Sec. 19.** NRS 590.170 is hereby amended to read as follows:  
6     590.170 1. Except as otherwise provided in this section, a  
7 person shall not keep, maintain or display in this State any  
8 advertising medium which indicates , ~~{or}~~ shows or advertises the  
9 price of motor vehicle fuel sold, offered for sale or advertised for  
10 sale from the premises, unless the actual price per unit of measure of  
11 motor vehicle fuel, including taxes, is also shown on the advertising  
12 medium, together with the ~~{word or words "gasoline" or "diesel~~  
13 ~~fuel," and the trade name or brand.}~~ *brand name and the individual*  
14 *grade or grades of the motor vehicle fuel being advertised.* If motor  
15 vehicle fuel prices are advertised in units of measure other than the  
16 gallon, the actual price per unit of measure along with the equivalent  
17 price per gallon and the word designating the unit of measure must  
18 be displayed on the face of the pump ~~{}~~ *or dispenser.*

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

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

30     **Sec. 20.** NRS 590.180 is hereby amended to read as follows:  
31     590.180 1. No person offering for sale or selling any motor  
32 vehicle fuel in the State of Nevada may post or display a sign or  
33 statement or other advertising medium reading, in substance, "save"  
34 a designated amount, or a designated amount per unit of measure,  
35 such as "save 5 cents" or "save 5 cents per gallon," or using the  
36 expression "off" a designated amount, such as "5 cents off" or "5  
37 cents less," or "discount" of a given amount, such as ~~{ "5 cents" }~~ *"5-*  
38 *cent* discount," or otherwise using the words "save," "off,"  
39 "discount," "wholesale," "below," or any of them, or a word or  
40 words of similar meaning or other phraseology indicating a reduced  
41 price, unless there is posted and displayed in letters of equal size and  
42 as part of the same sign, statement or other advertising medium the  
43 total price, including all taxes, at which motor vehicle fuel is being  
44 sold or offered for sale, designating the price for each brand ~~{or}~~



1 ~~trade~~ name *or grade* of motor vehicle fuel being sold or offered for  
2 sale.

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

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

7 590.190 If motor vehicle fuel is offered for sale or advertised  
8 for sale from the premises of any place of business in this State, but  
9 not under any ~~trade name or~~ brand name, then the words “no  
10 brand” must be used and designated on the advertising medium.

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

12 590.200 All letters, figures or numerals used in designating the  
13 brand name or words “no brand” in any advertising medium referred  
14 to in NRS 590.160 to 590.330, inclusive, *and sections 2 and 3 of*  
15 *this act* must be of uniform size and must not be less than *6 inches*  
16 *in height or* one-third the size of the numerals designating the price  
17 *, whichever is larger*, and the height must not be more than twice  
18 the dimension of the width of each letter, or figure or numeral.

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

20 590.210 All letters used in designating ~~the word “gasoline” or~~  
21 ~~the words “diesel fuel”~~ *each individual grade of motor vehicle fuel*  
22 must be at least 4 inches in height, and the height must not be more  
23 than twice the dimension of the width of each letter.

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

25 590.220 All letters, words, figures or numerals used on the  
26 advertising medium referred to in NRS 590.160 to 590.330,  
27 inclusive, *and sections 2 and 3 of this act* to indicate prices of  
28 motor vehicle fuel sold or advertised for sale must be uniform in  
29 size and must be at least ~~six~~ 6 inches in height, and the height must  
30 not be more than twice the width. *If a fraction displaying a*  
31 *numerator and a denominator is used in lieu of a full-size*  
32 *numeral on a price sign, the fraction must be of the same height*  
33 *and design as the other numerals indicating price. Numerators*  
34 *without denominators must not be used for fractions.* The  
35 advertising medium must indicate the price of the fuel per gallon.

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

37 590.230 1. The advertising medium referred to in NRS  
38 590.160 to 590.330, inclusive, *and sections 2 and 3 of this act* must  
39 not contain any other advertising matter except words of description  
40 of the product sold or offered for sale, and method of sale, such as  
41 “self-serve,” “full serve ” ~~[“”]~~ or words of similar meaning. If words  
42 of description or method of sale of the product offered or advertised  
43 by any such sign are used, the letters, figures or numerals which  
44 form any words must not be larger than the words, marks, letters,



1 figures or numerals used in forming or designating the price per unit  
2 of measure.

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

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

19 590.270 All words, letters, figures or numerals on the  
20 advertising medium referred to in NRS 590.160 to 590.330,  
21 inclusive, *and sections 2 and 3 of this act* which form or designate  
22 the brand name or the words "no brand" must be of like color or tint,  
23 and all words, letters, figures or numerals designating or indicating  
24 the price of motor vehicle fuel so offered for sale must be of like  
25 color or tint, and all ~~[letters used in the word "gasoline" or the~~  
26 ~~words "diesel fuel"]~~ *words, letters, figures or numerals used in*  
27 *designating the grades and conditions of sale of motor vehicle fuel*  
28 *being advertised* must be of like color or tint.

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

30 590.320 It is unlawful for any person engaged in the business  
31 of selling at retail any *motor vehicle fuel or* petroleum ~~[products]~~  
32 *product* for internal combustion engines ~~[ ]~~ to display any sign or  
33 other designating mark at or near the person's place of business  
34 describing or designating a brand ~~[, trademark or trade]~~ name, *a*  
35 *trademark* or the words "no brand" ~~[of]~~ *with respect to* any *motor*  
36 *vehicle fuel or* petroleum ~~[products]~~ *product* for internal  
37 combustion engines ~~[, not actually sold or offered]~~ *that is not*  
38 *currently available* for sale or delivery at the person's place of  
39 business.

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

41 590.330 Any violation of the provisions of NRS 590.160 to  
42 590.330, inclusive, *and sections 2 and 3 of this act* shall be  
43 punished:

- 44 1. For the first conviction, by a fine of not more than \$500.
- 45 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 ~~[H]~~ *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.



- 1     **Sec. 30.** NRS 561.385 is hereby amended to read as follows:  
2     561.385 1. The Agriculture Registration and Enforcement  
3     Account is hereby created in the State General Fund for the use of  
4     the Department.  
5     2. The following fees must be deposited in the Agriculture  
6     Registration and Enforcement Account:  
7     (a) Except as otherwise provided in NRS 586.270, fees collected  
8     pursuant to the provisions of NRS 586.010 to 586.450, inclusive.  
9     (b) Fees collected pursuant to the provisions of chapter 588 of  
10    NRS.  
11    (c) Fees collected pursuant to the provisions of NRS 590.340 to  
12    590.450, inclusive.  
13    (d) Laboratory fees collected for the testing of pesticides as  
14    authorized by NRS 561.305, and as are necessary pursuant to the  
15    provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to  
16    586.450, inclusive.  
17    (e) Laboratory fees collected for the analysis and testing of  
18    commercial fertilizers and agricultural minerals, as authorized by  
19    NRS 561.305, and as are necessary pursuant to the provisions of  
20    chapter 588 of NRS.  
21    (f) Laboratory fees collected for the analysis and testing of  
22    petroleum products ~~{~~ *or motor vehicle fuel*, as authorized by NRS  
23    561.305, and as are necessary pursuant to the provisions of NRS  
24    590.010 to 590.150, inclusive.  
25    (g) Laboratory fees collected for the analysis and testing of  
26    antifreeze, as authorized by NRS 561.305, and as are necessary  
27    pursuant to the provisions of NRS 590.340 to 590.450, inclusive.  
28    3. Expenditures from the Agriculture Registration and  
29    Enforcement Account may be made only to carry out the provisions  
30    of this chapter, *NRS 555.2605 to 555.460, inclusive, or* chapters  
31    586, 588 and 590 of NRS . ~~{and NRS 555.2605 to 555.460,~~  
32    ~~inclusive.}~~  
33    **Sec. 31.** NRS 590.240 is hereby repealed.

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### TEXT OF REPEALED SECTION

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**590.240 Fractions as numerals.** For the purpose of NRS 590.160 to 590.330, inclusive, fractions are considered one numeral.





