

SENATE BILL NO. 324—COMMITTEE ON TAXATION

MARCH 19, 2007

Referred to Committee on Taxation

SUMMARY—Revises provisions governing regulation of motor vehicle fuel. (BDR 51-1139)

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

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

AN ACT relating to motor vehicle products; requiring the State Board of Agriculture to adopt by regulation certain specifications for motor vehicle fuel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the sale of motor vehicle fuel and requires the State Board of Agriculture to adopt regulations setting forth the standards for motor vehicle fuel used in internal combustion engines. (NRS 590.010-590.150) This bill requires the Board to adopt by regulation specifications for motor vehicle fuel: (1) based upon scientific evidence which demonstrates that any motor vehicle fuel which is produced in accordance with the specifications is of sufficient quality to ensure appropriate performance when used in a motor vehicle in this State; or (2) proposed by an air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. This bill also requires the Board to adopt by regulation procedures for allowing variances from the specifications for motor vehicle fuel.

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

Section 1. 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~~ *by regulation specifications* for motor vehicle fuel ~~and petroleum products used in internal combustion engines.~~ :
(a) *Based upon scientific evidence which demonstrates that any motor vehicle fuel which is produced in accordance with the*



1 *specifications is of sufficient quality to ensure appropriate*
2 *performance when used in a motor vehicle in this State; or*

3 *(b) Proposed by an air pollution control agency to attain or*
4 *maintain national ambient air quality standards in any area of this*
5 *State. As used in this paragraph, "air pollution control agency"*
6 *means any federal air pollution control agency or any state,*
7 *regional or local agency that has the authority pursuant to chapter*
8 *445B of NRS to regulate or control air pollution or air quality in*
9 *any area of this State.*

10 *2. The State Board of Agriculture shall adopt by regulation*
11 *procedures for allowing variances from the specifications for*
12 *motor vehicle fuel adopted pursuant to this section.*

13 *3. It is unlawful for any person, or any officer, agent or*
14 *employee thereof, to sell, offer for sale, assist in the sale of, deliver*
15 *or permit to be sold or offered for sale, any petroleum or petroleum*
16 *product as, or purporting to be, motor vehicle fuel, unless it*
17 *conforms with the regulations adopted by the State Board of*
18 *Agriculture pursuant to this section.*

19 ~~3.~~ 4. This section does not apply to aviation fuel.

20 ~~4.~~ 5. In addition to any criminal penalty that is imposed
21 pursuant to the provisions of NRS 590.150, any person who violates
22 any provision of this section may be further punished as provided in
23 NRS 590.071.

24 **Sec. 2.** NRS 590.071 is hereby amended to read as follows:

25 590.071 1. The State Board of Agriculture shall:

26 (a) Enforce the ~~{standards relating to}~~ *specifications for* motor
27 vehicle fuel ~~{and petroleum products}~~ adopted *by regulation*
28 pursuant to NRS 590.070.

29 (b) Adopt regulations specifying a schedule of fines that it may
30 impose, upon notice and hearing, for each violation of the
31 provisions of NRS 590.070. The maximum fine that may be
32 imposed by the Board for each violation must not exceed \$5,000 per
33 day. All fines collected by the Board pursuant to the regulations
34 adopted pursuant to this subsection must be deposited with the State
35 Treasurer for credit to the State General Fund.

36 2. The State Board of Agriculture may:

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

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



* S B 3 2 4 R 2 *

1 **Sec. 3.** This act becomes effective upon passage and approval
2 for the purpose of adopting regulations, and on October 1, 2007, for
3 all other purposes.

