Amendment No. 337

Senate Amendment to Senate Bill No. 105 (BDR 51-258)

Proposed by: Senate Committee on Natural Resources

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted ☐	Lost ☐		Adopted ☐	Lost ☐	
Concurred In ☐	Not ☐		Concurred In ☐	Not ☐	
Receded ☐	Not ☐		Receded ☐	Not ☐	

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

SSH/KCP Date: 4/18/2007

S.B. No. 105—Revises provisions governing regulation of motor vehicle fuel.
(BDR 51-258)

SENATE BILL NO. 105–SENATOR TOWNSEND

FEBRUARY 19, 2007

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing regulation of motor vehicle fuel. (BDR 51-258)

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 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, in setting the standards for motor vehicle fuel, to adopt the most recent standard specifications for motor vehicle fuel established by ASTM International. This bill also requires the Board to review all changes made by ASTM International to those standard specifications for motor vehicle fuel and to incorporate those changes in the regulations adopted by the Board. **However, in lieu of adopting one or more of the standard specifications established by ASTM International, or any changes thereto, this bill allows the Board to adopt standard specifications for motor vehicle fuel proposed by a state, regional or local air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. Finally, this bill requires the Board to adopt procedures for allowing variances from the standard specifications for motor vehicle fuel for any person who is unable to comply with the standard specifications because of circumstances beyond the person's reasonable control.**

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~~] ***Except as otherwise provided in this section, the*** State Board of Agriculture shall [~~adopt regulations relating to the standards~~] ***:***

(a) Adopt by regulation the most recent standard specifications for motor vehicle fuel [~~and petroleum products used in internal combustion engines.~~] ***established by ASTM International; and***

(b) Review all changes made by ASTM International to those standard specifications for motor vehicle fuel and incorporate those changes in the regulations adopted by the Board pursuant to this section.

2. ***In lieu of adopting one or more of the standard specifications for motor vehicle fuel established by ASTM International, or any changes thereto, the State Board of Agriculture may adopt by regulation standard specifications for motor vehicle fuel proposed by an air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. As used in this subsection, "air pollution control agency" means any state, regional or local agency that has the authority pursuant to chapter 445B of NRS to regulate or control air pollution or air quality in any area of this State.***

3. The State Board of Agriculture shall adopt by regulation procedures for allowing variances from the standard specifications for motor vehicle fuel adopted pursuant to this section for any person who is unable to comply with the standard specifications because of circumstances beyond the person's reasonable control.

4. 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 ~~***for any alternative fuel***~~ as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture pursuant to this section.

~~[3.]~~ ***5.*** This section does not apply to aviation fuel.

~~[4.]~~ ***6.*** 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. 2. 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]~~ ***specifications for*** motor vehicle fuel ~~[and petroleum products]~~ adopted ***by regulation*** 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 deposited with the State Treasurer for credit to the 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. 3. This act becomes effective upon passage and approval for the purpose of adopting regulations, and on October 1, 2007, for all other purposes.