

Amendment No. 745

Assembly Amendment to Senate Bill No. 332 First Reprint (BDR 43-1147)

Proposed by: Assembly Committee on Transportation**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 dashed underlining*** is newly added transitory language.

MSN/TMC



Date: 5/15/2009

S.B. No. 332—Revises provisions governing the use of alternative fuels and clean vehicles. (BDR 43-1147)



SENATE BILL NO. 332—COMMITTEE ON ENERGY,
INFRASTRUCTURE AND TRANSPORTATION

MARCH 19, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Revises provisions governing the use of alternative fuels and clean vehicles. (BDR 43-1147)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 vehicles; revising provisions governing the use of alternative fuels and clean vehicles by fleets owned, operated or leased by certain state agencies and local governing bodies; authorizing a program to provide incentives to acquire clean vehicles and motor vehicles that use alternative fuels; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-11 of this bill revise provisions governing the use of alternative fuels by certain fleet vehicles. (NRS 486A.010-486A.180) **Section 4** revises the definition of “alternative fuel” to authorize the State Environmental Commission to define the term by regulation. (NRS 486A.030) **Section 5** revises the definition of “fleet” to limit the applicability of **sections 1-11** to a fleet of 50 or more motor vehicles ~~that~~ *which are registered in the same county and which* are under the common control of and owned, leased or operated by a state agency or a local governing body. (NRS 486A.080) **Section 6** excludes certain vehicles that have a manufacturer’s gross vehicle weight rating of more than 26,000 pounds from the requirements of **sections 1-11**. (NRS 486A.110)

Section 12 of this bill revises provisions encouraging the voluntary use of clean vehicles and motor vehicles that use alternative fuels by persons who are not subject to the requirements of **sections 1-11** of this bill. (NRS 486A.200)

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

Section 1. Chapter 486A of NRS is hereby amended by adding thereto a new section to read as follows:

“Clean vehicle” means any motor vehicle which complies with the ~~standards and requirements~~ specifications for clean vehicles established by the Commission.

Sec. 2. NRS 486A.010 is hereby amended to read as follows:
486A.010 The Legislature finds that:

1. ~~{Protection of the}~~ *The* State's environment, particularly the quality of its air, ~~{requires a reduction,}~~ *can be improved*, especially in metropolitan areas, ~~{of the contaminants resulting from the combustion of conventional fuels in motor}~~ *through the use of alternative fuels and clean* vehicles.

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

~~— 3. — Conversion of these fleets to use cleaner burning alternative fuels can reduce contaminants sufficiently to permit the continued use of conventional fuels in individually owned motor}~~ *, and particular models of motor vehicles can be evaluated to assess the amount of contaminants those motor vehicles emit.*

3. *Fleets operated by state agencies and local governing bodies can reduce air contaminants through the use of cleaner-burning alternative fuels and the acquisition of clean* vehicles.

Sec. 3. NRS 486A.020 is hereby amended to read as follows:

486A.020 As used in NRS 486A.010 to 486A.180, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 486A.030 to 486A.130, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 4. NRS 486A.030 is hereby amended to read as follows:

486A.030 "Alternative fuel" means any fuel which complies with the standards and requirements *for alternative fuel* established by the Commission. ~~{The term includes:~~

~~— 1. — Reformulated gasoline; and~~

~~— 2. — Finished diesel fuel that:~~

~~— (a) — Meets ASTM International specification D975; and~~

~~— (b) — Includes at least 5 percent biodiesel fuel blend stock for distillate fuels meeting ASTM International specification D6751;~~

~~— which comply with any applicable regulations adopted by the United States Environmental Protection Agency pursuant to the standards for the control of emissions from motor vehicles established in the Clean Air Act Amendments of 1990, Public Law 101-549, November 15, 1990.}~~ *The term does not include a fuel that is required for use in this State pursuant to a state implementation plan adopted by this State pursuant to 42 U.S.C. § 7410.*

Sec. 5. NRS 486A.080 is hereby amended to read as follows:

486A.080 "Fleet" means ~~{10}~~ *50* or more motor vehicles ~~{that}~~ *which are registered in the same county and which* are *under the common control of and* owned, leased or operated by ~~{the State or a local governing body. The term includes fleets that are used by the State,}~~ a state agency or a local governing body. The term does not include long haul trucks for use in interstate transportation or motor vehicles held for lease or rental to the general public.

Sec. 6. NRS 486A.110 is hereby amended to read as follows:

486A.110 "Motor vehicle" means every vehicle which is self-propelled, but not operated on rails, used upon a highway for the purpose of transporting persons or property. The term does not include a:

1. Farm tractor as defined in NRS 482.035;

2. Moped as defined in NRS 482.069; ~~{and}~~

3. Motorcycle as defined in NRS 482.070 ~~{~~; *and*

4. *Vehicle having a manufacturer's gross vehicle weight rating of more than 26,000 pounds, unless the vehicle is designed for carrying more than 15 passengers.*

1 **Sec. 7.** NRS 486A.140 is hereby amended to read as follows:
2 486A.140 The provisions of NRS 486A.010 to 486A.180, inclusive, *and*
3 *section 1 of this act* do not apply to:

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

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

7 3. Any person exempted by the Commission.

8 **Sec. 8.** NRS 486A.150 is hereby amended to read as follows:

9 486A.150 The Commission shall adopt regulations necessary to carry out the
10 provisions of NRS 486A.010 to 486A.180, inclusive, *and section 1 of this act*,
11 including, ~~but not limited to,~~ *without limitation*, regulations concerning:

12 1. Standards and requirements for alternative fuel. ~~[The Commission shall]~~ *In*
13 *establishing standards and requirements for alternative fuel, the Commission:*

14 *(a) Must consider fuels that are recognized by the Environmental Protection*
15 *Agency, the Department of Energy and the California Air Resources Board to*
16 *improve air quality or reduce harmful air emissions.*

17 *(b) Shall* not discriminate against any product that is petroleum based.

18 2. ~~[Standards and requirements]~~ *Specifications for clean vehicles and*
19 *motor vehicles that use alternative fuels. To the extent practicable and*
20 *appropriate, the specifications established by the Commission must be consistent*
21 *with the specifications established by the Environmental Protection Agency, the*
22 *Department of Energy and the California Air Resources Board for the vehicle*
23 *category and year of manufacture.*

24 3. The ~~[conversion of fleets to use alternative fuels if the]~~ *acquisition of clean*
25 *vehicles and motor vehicles that use alternative fuels by a fleet that* is operated in
26 a county whose population is 100,000 or more ~~[-~~

27 ~~—3. Standards for alternative fuel injection systems for diesel motor vehicles.],~~
28 *including, without limitation, recordkeeping and reporting requirements*
29 *concerning such vehicles.*

30 4. Standards for levels of emissions from motor vehicles that are converted to
31 use alternative fuels.

32 5. The establishment of a procedure for approving *variances or* exemptions to
33 the requirements of NRS 486A.010 to 486A.180, inclusive ~~[-~~

34 ~~—6. Standards related to the use of dedicated alternative fuel motor vehicles.],~~
35 *and section 1 of this act. The Commission may approve a variance or exemption*
36 *based upon:*

37 *(a) A determination by the Commission that compliance with the*
38 *requirements of NRS 486A.010 to 486A.180, inclusive, and section 1 of this act:*

39 *(1) Would void or reduce the coverage under a manufacturer's warranty*
40 *for any vehicle or vehicle component;*

41 *(2) Would result in financial hardship to the owner or operator of a fleet;*
42 *or*

43 *(3) Is impractical because of the lack of availability of clean vehicles,*
44 *alternative fuel or motor vehicles that use alternative fuel; or*

45 *(b) Any other reason which the Commission determines is appropriate.*

46 **Sec. 9.** NRS 486A.160 is hereby amended to read as follows:

47 486A.160 1. The Department shall:

48 (a) Make such determinations and issue such orders as may be necessary to
49 carry out the provisions of NRS 486A.010 to 486A.180, inclusive ~~[-]~~, *and section*
50 *1 of this act;*

51 (b) Enforce the regulations adopted by the Commission pursuant to the
52 provisions of NRS 486A.010 to 486A.180, inclusive ~~[-]~~, *and section 1 of this act;*
53 and

(c) Conduct any investigation, research or study necessary to carry out the provisions of NRS 486A.010 to 486A.180, inclusive ~~H~~, *and section 1 of this act*.

2. Upon request, the Department of Motor Vehicles shall provide to the Department information contained in records of registration of motor vehicles.

Sec. 10. NRS 486A.170 is hereby amended to read as follows:

486A.170 1. An authorized representative of the Department may enter and inspect any fleet of ~~{10 or more}~~ motor vehicles that is subject to the requirements of NRS 486A.010 to 486A.180, inclusive, *and section 1 of this act* to ascertain compliance with the provisions of NRS 486A.010 to 486A.180, inclusive, *and section 1 of this act* and *any* regulations adopted pursuant thereto.

2. A person who owns or leases a fleet of ~~{10 or more}~~ *motor* vehicles shall not:

(a) Refuse entry or access to the motor vehicles to any authorized representative of the Department who requests entry for the purpose of inspection as provided in subsection 1.

(b) Obstruct, hamper or interfere with any such inspection.

3. If requested by the owner or lessor of a fleet of motor vehicles, the Department shall prepare a report of an inspection made pursuant to subsection 1 setting forth all facts determined which relate to the owner's or lessor's compliance with the provisions of NRS 486A.010 to 486A.180, inclusive, *and section 1 of this act* and any regulations adopted pursuant thereto.

Sec. 11. NRS 486A.180 is hereby amended to read as follows:

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

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

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

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

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

Sec. 12. NRS 486A.200 is hereby amended to read as follows:

486A.200 1. After consulting with the Department of Business and Industry, the Department may, within limits of legislative appropriations or authorizations or grants available for this purpose, develop and carry out a program to provide incentives to encourage those persons who are not otherwise required to do so pursuant to NRS 486A.010 to 486A.180, inclusive, *and section 1 of this act* to ~~{use clean burning fuel in motor vehicles.}~~ *acquire clean vehicles and motor vehicles that use alternative fuels*. The program may include, without limitation, a method of educating the members of the general public concerning:

(a) The program administered by the Department; and
(b) The benefits of using ~~clean-burning-fuel in~~ *clean vehicles and* motor vehicles ~~that use alternative fuels.~~

2. The Department may adopt regulations to carry out the provisions of this section.

3. As used in this section:

(a) ~~“Clean-burning-fuel” has the meaning ascribed to alternative fuel in 10 C.F.R. § 490.2.~~ *“Clean vehicle” has the meaning ascribed to it in section 1 of this act.*

(b) “Department” means the State Department of Conservation and Natural Resources.

(c) “Motor vehicle” has the meaning ascribed to it in NRS 365.050.

Sec. 13. (Deleted by amendment.)

Sec. 14. NRS 486A.040, 486A.060 and 486A.090 are hereby repealed.

Sec. 15. This act becomes effective on July 1, 2009.

TEXT OF REPEALED SECTIONS

486A.040 “Bi-fueled motor vehicle” defined. “Bi-fueled motor vehicle” means a motor vehicle that is capable of operating on either a clean-burning alternative fuel or a traditional fuel, including, but not limited to, gasoline or diesel fuel.

486A.060 “Dedicated alternative fuel motor vehicle” defined. “Dedicated alternative fuel motor vehicle” means a motor vehicle that:

1. Operates only on an alternative fuel; or

2. Regardless of the type of fuel on which it operates, has been certified by the United States Environmental Protection Agency as being in compliance with the standards for the control of emissions from an ultra low-emission vehicle, or more stringent standards, as set forth in 40 C.F.R. § 88.104-94 or 88.105-94.

486A.090 “Flexible fueled vehicle” defined. “Flexible fueled vehicle” means a motor vehicle that is capable of operating on any mixture of an alternative fuel and a traditional fuel, including, but not limited to, gasoline or diesel fuel.