Amendment No. 423

Senate Amendment to Senate Bill No. 158	(BDR 40-310)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: No Title: Yes 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 underlining** is newly added transitory language.

CAF/JRS Date: 4/19/2011

S.B. No. 158—Revises provisions governing the frequency of required inspections of the emissions of certain motor vehicles. (BDR 40-310)

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SENATE BILL NO. 158–SENATOR GUSTAVSON

FEBRUARY 16, 2011

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing the frequency of required inspections of the emissions of certain motor vehicles. (BDR 40-310)

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 air pollution; revising provisions governing the frequency of required inspections of the emissions of certain motor vehicles; **revising the fees charged by the Department of Motor Vehicles for certain forms;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Environmental Commission, in cooperation with the Department of Motor Vehicles and any local air pollution control agency, to adopt regulations for the control of emissions from motor vehicles in areas designated by the Commission. (NRS 445B.770) Existing law also imposes limitations on compulsory inspection programs established by the Commission. (NRS 445B.795)

~~[This]~~ **Section 1 of this** bill further limits the authority of the State Environmental Commission by requiring that the regulations adopted by the Commission require: (1) the initial inspection of a new passenger car or new light-duty motor vehicle 3 years after the initial registration of the vehicle **;** ~~[or when the odometer of the vehicle registers 100,000 miles, whichever occurs first;]~~ and (2) the subsequent inspection of a passenger car or light-duty motor vehicle not more often than every 2 years **,** ~~[or when the odometer of the vehicle registers 100,000 miles since the most recent inspection, whichever occurs first,]~~ except that if a vehicle fails a required inspection, the regulations must provide for annual inspections of the vehicle thereafter.

Existing law requires the Department of Motor Vehicles to charge a fee for the forms distributed to certify emission control compliance in the amount of $6 per form and $150 per set of forms. (NRS 445B.830) Because section 1 specifies that inspections for emission control compliance must not be conducted more often than every 2 years, section 2 of this bill raises the fees to $12 per form and $300 per set in order to not affect the funding of the Pollution Control Account.

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

Section 1. NRS 445B.795 is hereby amended to read as follows:

445B.795 The authority set forth in NRS 445B.770 providing for a compulsory inspection program is limited as follows:

1. In a county whose population is 100,000 or more, the following categories of motor vehicles which are powered by motor vehicle fuel or special fuel and require inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 are required to have evidence of compliance upon registration or reregistration:

(a) All passenger cars;

(b) Light-duty motor vehicles;

(c) Heavy-duty motor vehicles that are powered by diesel fuel and have a manufacturer's gross vehicle weight rating which does not exceed 14,000 pounds; and

(d) Heavy-duty motor vehicles that are powered by motor vehicle fuel or special fuel, excluding diesel fuel.

2. In areas which have been designated by the Commission for inspection programs and which are located in counties whose populations are 100,000 or more, all used motor vehicles which require inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 are required to have evidence of compliance upon registration or reregistration.

3. In designated areas in other counties where the Commission puts a program into effect, all used motor vehicles which require inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 are required to have evidence of compliance upon registration or reregistration.

4. The board of county commissioners of a county containing a designated area may revise its program for the designated area after receiving the approval of the Commission.

5. Before carrying out the inspections of vehicles required pursuant to the regulations adopted by the Commission pursuant to NRS 445B.770, the Commission shall, by regulation, adopt testing procedures and standards for emissions for those vehicles.

6. The regulations adopted by the Commission pursuant to NRS 445B.770 must require that:

(a) The initial inspection of a new passenger car or new light-duty motor vehicle be conducted 3 years after initial registration of the vehicle ***;*** ~~***[or when the odometer of the vehicle registers 100,000 miles, whichever occurs first;]***~~

(b) Except as otherwise provided in paragraph (a) or (c), the inspection of a passenger car or light-duty motor vehicle be conducted not more often than every 2 years ***;*** ~~***[or when the odometer of the vehicle registers 100,000 miles since the most recent inspection, whichever occurs first;]***~~ ***and***

(c) If a passenger car or light-duty motor vehicle fails a required inspection, the vehicle must be inspected annually thereafter.

Sec. 2. NRS 445B.830 is hereby amended to read as follows:

445B.830 1. In areas of the State where and when a program is commenced pursuant to NRS 445B.770 to 445B.815, inclusive, the following fees must be paid to the Department of Motor Vehicles and accounted for in the Pollution Control Account, which is hereby created in the State General Fund:

(a) For the issuance and annual renewal of a license for an authorized inspection station, authorized maintenance station, authorized station or fleet station $25

(b) For each set of 25 forms certifying emission control compliance .... ~~[150]~~ ***300***

(c) For each form issued to a fleet station .... ~~[6]~~ ***12***

2. Except as otherwise provided in subsections 6, 7 and 8, and after deduction of the amounts distributed pursuant to subsection 4, money in the Pollution Control Account may, pursuant to legislative appropriation or with the approval of the

Interim Finance Committee, be expended by the following agencies in the following order of priority:

(a) The Department of Motor Vehicles to carry out the provisions of NRS 445B.770 to 445B.845, inclusive.

(b) The State Department of Conservation and Natural Resources to carry out the provisions of this chapter.

(c) The State Department of Agriculture to carry out the provisions of NRS 590.010 to 590.150, inclusive.

(d) Local governmental agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air.

(e) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the preservation and improvement of air quality in the Lake Tahoe Basin.

3. The Department of Motor Vehicles may prescribe by regulation routine fees for inspection at the prevailing shop labor rate, including, without limitation, maximum charges for those fees, and for the posting of those fees in a conspicuous place at an authorized inspection station or authorized station.

4. The Department of Motor Vehicles shall make quarterly distributions of money in the Pollution Control Account to local governmental agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408. The distributions of money made to agencies in a county pursuant to this subsection must be made from an amount of money in the Pollution Control Account that is equal to one-sixth of the amount received for each form issued in the county pursuant to subsection 1.

5. Each local governmental agency that receives money pursuant to subsection 4 shall, not later than 45 days after the end of the fiscal year in which the money is received, submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee a report on the use of the money received.

6. The Department of Motor Vehicles shall by regulation establish a program to award grants of money in the Pollution Control Account to local governmental agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air. The grants to agencies in a county pursuant to this subsection must be made from any excess money in the Pollution Control Account. As used in this subsection, “excess money” means the money in excess of $1,000,000 remaining in the Pollution Control Account at the end of the fiscal year, after deduction of the amounts distributed pursuant to subsection 4 and any disbursements made from the Account pursuant to subsection 2.

7. Any regulations adopted pursuant to subsection 6 must provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:

(a) Review applications for grants and make recommendations for their approval, rejection or modification;

(b) Establish goals and objectives for the program for control of emissions from motor vehicles;

(c) Identify areas where funding should be made available; and

(d) Review and make recommendations concerning regulations adopted pursuant to subsection 6 or NRS 445B.770.

8. Grants proposed pursuant to subsections 6 and 7 must be submitted to the appropriate deputy director of the Department of Motor Vehicles and the

Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources. Proposed grants approved by the appropriate deputy director and the Administrator must not be awarded until approved by the Interim Finance Committee.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2011.