

SENATE BILL NO. 468—COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Natural Resources

SUMMARY—Makes various changes related to the Department of Motor Vehicles. (BDR 40-1221)

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 the Department of Motor Vehicles; transferring certain duties of the State Department of Agriculture to the Department of Motor Vehicles and its Director; renaming certain divisions of the Department of Motor Vehicles; creating a new account in the State Highway Fund; making the Director of the Department of Motor Vehicles the ex officio State Sealer of Weights and Measures; transferring certain duties of the State Sealer of Weights and Measures to the State Department of Agriculture; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill renames the Division of Management Services and Programs of the Department of Motor Vehicles the Division of Research and Development. **Sections 4-6 and 49** of this bill rename the Motor Carrier Division of the Department the Motor Carrier and Fuel Tax Division of the Department.

Sections 9, 11, 12-18, 21-23, 26, 28, 29, 31, 32, 35, 37 and 38 of this bill eliminate the Division of Measurement Standards of the State Department of Agriculture and transfer the duties thereof to a newly created Weights and Measures Standards Program within the Department of Motor Vehicles.

Existing law provides that the Director of the State Department of Agriculture is ex officio State Sealer of Weights and Measures and is responsible for the enforcement of provisions relating to weights and measures, public weighmasters and the inspection of certain petroleum products. (Chapter 482 of NRS, NRS 581.030-581.075, 590.010-590.330) **Sections 3, 7 and 20** of this bill provide that the Director of the Department of Motor Vehicles is ex officio State Sealer of



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Weights and Measures. **Sections 2, 15, 27 and 34** of this bill provide that the Director of the Department of Motor Vehicles as the State Sealer of Weights and Measures, may appoint personnel, field agents and inspectors to carry out the duties of the State Sealer of Weights and Measures and the newly created Weights and Measures Standards Program.

Sections 37-42 of this bill transfer duties of the State Board of Agriculture and the State Sealer of Weights and Measures under the Nevada Petroleum Products Inspection Act to the Weights and Measures Standards Program. **Sections 44-48** of this bill transfer duties related to the inspection and regulation of antifreeze products from the State Sealer of Weights and Measures to the State Department of Agriculture.

Existing law sets forth the permissible uses and priorities for the expenditure of money in the Pollution Control Account. (NRS 445B.830) **Section 1** of this bill provides that money from the Account used for the inspection of petroleum products goes to the Department of Motor Vehicles rather than the State Department of Agriculture.

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

Section 1. 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

(c) For each form issued to a fleet station 6

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 ~~§~~ , and **590.010 to 590.150, 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.~~



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

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

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

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

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

28 6. The Department of Motor Vehicles shall by regulation
29 establish a program to award grants of money in the Pollution
30 Control Account to local governmental agencies in nonattainment or
31 maintenance areas for an air pollutant for which air quality criteria
32 have been issued pursuant to 42 U.S.C. § 7408, for programs related
33 to the improvement of the quality of the air. The grants to agencies
34 in a county pursuant to this subsection must be made from any
35 excess money in the Pollution Control Account. As used in this
36 subsection, "excess money" means the money in excess of
37 \$1,000,000 remaining in the Pollution Control Account at the end of
38 the fiscal year, after deduction of the amounts distributed pursuant
39 to subsection 4 and any disbursements made from the Account
40 pursuant to subsection 2.

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



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(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. NRS 289.290 is hereby amended to read as follows:

289.290 1. A person designated by the Director of the State Department of Agriculture *or the State Sealer of Weights and Measures* as a field agent or an inspector pursuant to subsection 2 of NRS 561.225 *or section 15, 27 or 34 of this act* has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure, and may temporarily stop a vehicle in the enforcement of the provisions of titles 49 and 50 of NRS and chapters 581, 582, 583, 586, 587, 588 and 590 of NRS.

2. An officer appointed by the Nevada Junior Livestock Show Board pursuant to NRS 563.120 has the powers of a peace officer for the preservation of order and peace on the grounds and in the buildings and the approaches thereto of the livestock shows and exhibitions that the Board conducts.

3. In carrying out the provisions of chapter 565 of NRS, an inspector of the State Department of Agriculture has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure.

Sec. 3. NRS 481.035 is hereby amended to read as follows:

481.035 1. The Director:

(a) Is appointed by and serves at the pleasure of the Governor;

(b) Must be appointed with special reference to his or her training, experience, capacity and interest in the field of administration or the administering of laws relating to motor vehicles;

(c) Is in the unclassified service of the State; and

(d) Shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.



2. The Director may, within the limits of legislative appropriations, employ such deputy directors as may be needed for the administration of the Department. A deputy director:

(a) Must be appointed with special reference to his or her training, experience, capacity and interest in the field of administration or the administering of laws relating to motor vehicles;

(b) Is in the unclassified service of the State;

(c) Except as otherwise provided in NRS 284.143, shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit;

(d) Shall administer the laws relating to motor vehicles and the licensing of drivers, as provided in NRS 481.0475, 481.048 and 481.0481; and

(e) Shall maintain records and other information relating to motor vehicles and the licensing of drivers, as provided in NRS 481.0475, 481.048 and 481.0481.

3. The Director may employ, within the limits of legislative appropriations, such administrators, managers, specialists, investigators and staff, who are employed in the classified service of the State, as the Director determines to be necessary to carry out the duties of the Department.

4. The Director is ex officio State Sealer of Weights and Measures and shall carry out all the duties of the State Sealer of Weights and Measures as provided by law.

Sec. 4. NRS 481.0473 is hereby amended to read as follows:

481.0473 The Department consists of:

1. A Division of the Office of the Director;

2. A Division of Compliance Enforcement;

3. A Division of Field Services;

4. A Division of Central Services and Records;

5. A Division of ~~{Management Services and Programs;}~~ ***Research and Development;***

6. A Division of Information Technology;

7. An Administrative Services Division; and

8. A Motor Carrier ***and Fuel Tax*** Division.

Sec. 5. NRS 482.206 is hereby amended to read as follows:

482.206 1. Except as otherwise provided in this section, every motor vehicle, except for a motor vehicle that is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive, must be registered for a period of 12 consecutive months beginning the day after the first registration by the owner in this State.

2. Every vehicle registered by an agent of the Department or a registered dealer must be registered for 12 consecutive months



1 beginning the first day of the month after the first registration by the
2 owner in this State.

3 3. A vehicle which must be registered through the Motor
4 Carrier *and Fuel Tax* Division of the Department, or a motor
5 vehicle which has a declared gross weight in excess of 26,000
6 pounds, must be registered for a period of 12 consecutive months
7 beginning on the date established by the Department by regulation.

8 4. Upon the application of the owner of a fleet of vehicles, the
9 Director may permit the owner to register the fleet on the basis of a
10 calendar year.

11 5. When the registration of any vehicle is transferred pursuant
12 to NRS 482.399, the expiration date of each regular license plate,
13 special license plate or substitute decal must, at the time of the
14 transfer of registration, be advanced for a period of 12 consecutive
15 months beginning:

16 (a) The first day of the month after the transfer, if the vehicle is
17 transferred by an agent of the Department; or

18 (b) The day after the transfer in all other cases,
19 ➔ and a credit on the portion of the fee for registration and
20 the governmental services tax attributable to the remainder of the
21 current period of registration must be allowed pursuant to the
22 applicable provisions of NRS 482.399.

23 **Sec. 6.** NRS 482.217 is hereby amended to read as follows:

24 482.217 1. Upon the request of a motor carrier or a service
25 provider, the Department may enter into an agreement with the
26 motor carrier or service provider which authorizes the motor carrier
27 or service provider:

28 (a) Without applying to the Department, to register or transfer or
29 renew the registration of any vehicle:

30 (1) Owned solely by the motor carrier or service provider; or

31 (2) Leased solely by the motor carrier or service provider, if
32 the lease is a long-term lease; and

33 (b) To issue registration credentials on behalf of the Motor
34 Carrier *and Fuel Tax* Division of the Department for any vehicle
35 registered pursuant to paragraph (a) and for any vehicle with a
36 registration that has been renewed or transferred pursuant to
37 paragraph (a).

38 2. Before registering or transferring or renewing the
39 registration of any vehicle pursuant to subsection 1:

40 (a) A motor carrier who enters into an agreement with the
41 Department pursuant to this section shall file with the Department a
42 bond of a surety company authorized to transact business in this
43 State for the benefit of this State in an amount not less than \$25,000;
44 and



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(b) A service provider who enters into an agreement with the Department pursuant to this section shall file with the Department a bond of a surety company authorized to transact business in this State for the benefit of this State in an amount not less than \$50,000.

3. If a motor carrier or service provider provides a savings certificate, certificate of deposit or investment certificate pursuant to NRS 100.065 in lieu of the bond required pursuant to subsection 2, the certificate must state that the amount is not available for withdrawal except upon the approval of the Director.

4. If at any time a motor carrier or service provider is unable to account for an unissued license plate or decal, the motor carrier or service provider must immediately pay to the Department an amount established by the Department.

5. The Director shall adopt such regulations as are necessary to carry out the provisions of this section.

6. As used in this section:

(a) "Long-term lease" means a lease for a fixed period of more than 31 days.

(b) "Motor carrier" means a common, contract or private motor carrier registered through the Motor Carrier *and Fuel Tax* Division of the Department.

(c) "Registration credentials" includes, without limitation, license plates, registration cab cards, decals and temporary authority permits.

(d) "Service provider" means a business or organization authorized by the Department to register or transfer or renew the registration of vehicles on behalf of motor carriers.

Sec. 7. NRS 482.485 is hereby amended to read as follows:

482.485 1. The provisions of chapter 582 of NRS (Public Weighmasters) are hereby made applicable to this chapter.

2. Except as otherwise provided in subsection 6, all motor vehicles required to be weighed under the provisions of this chapter must be weighed by a public weighmaster under such rules and regulations as may be deemed advisable by the Director ~~and~~ *in his or her capacity as* the State Sealer of Weights and Measures, and according to the provisions of chapter 582 of NRS.

3. The Department for registration purposes only may collect a fee, not to exceed \$1, for each vehicle weighed by the Department.

4. From time to time, ~~upon request of~~ the Director ~~and~~ *in his or her capacity as* the State Sealer of Weights and Measures, shall appoint additional public weighmasters, according to the provisions of chapter 582 of NRS, as may be necessary to effectuate the purposes of this chapter.

5. Public weighmasters' certificates issued in states other than Nevada, when such certificates bear the seal of such weighmaster,



1 may be accepted by the Director as evidence of the weight of the
2 motor vehicle for which a license is applied.

3 6. In lieu of weighing a farm vehicle pursuant to subsection 2,
4 the farmer or rancher who uses the farm vehicle may:

5 (a) Weigh the farm vehicle on a scale which has been certified
6 by the State Sealer of Weights and Measures; and

7 (b) Use a printout from that scale setting forth the declared gross
8 weight of the farm vehicle as proof of the declared gross weight of
9 the farm vehicle for purposes of this chapter.

10 **Sec. 8.** NRS 561.225 is hereby amended to read as follows:

11 561.225 1. The Director shall appoint such technical, clerical
12 and operational staff as the execution of the Director's duties and
13 the operation of the Department may require.

14 2. The Director may designate such department personnel as
15 are required to be field agents and inspectors in the enforcement of
16 the provisions of Titles 49 and 50 of NRS and chapters ~~581, 582,~~
17 583, 586, 587 ~~[.]~~ and 588 ~~[and 590]~~ of NRS ~~[.]~~ and *NRS 590.340 to*
18 *590.920, inclusive.* The provisions of this subsection do not
19 authorize any department personnel so designated by the Director to
20 retire from the Public Employees' Retirement System before having
21 attained the minimum service retirement age of 60 years.

22 **Sec. 9.** NRS 561.285 is hereby amended to read as follows:

23 561.285 1. Except as otherwise provided in subsection 2, the
24 Department may collect and disseminate, throughout the State,
25 information calculated to educate and benefit the general public and
26 the livestock and agricultural industries of the State of Nevada, and
27 information pertaining to any program administered by the
28 Department.

29 2. Except as otherwise provided in NRS 239.0115 and
30 571.160, all proprietary information concerning:

31 (a) Numbers of animals;

32 (b) The quantity of production;

33 (c) Fiscal or tax matters; or

34 (d) The security of any facility,

35 ➤ which specifically relates to a natural person, company,
36 corporation or other nonpublic entity, and which is collected by the
37 Department pursuant to the provisions of titles 49 and 50 of NRS
38 and chapters ~~581, 582,~~ 583, 586, 587 ~~[.]~~ and 588 ~~[and 590]~~ of
39 NRS ~~[.]~~ and *NRS 590.340 to 590.920, inclusive,* is confidential.

40 **Sec. 10.** NRS 561.305 is hereby amended to read as follows:

41 561.305 The Department shall establish and maintain a
42 laboratory for the following purposes:

43 1. The diagnosis of infectious, contagious and parasitic
44 diseases of animals, as may be necessary under the provisions of
45 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.

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.

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 555.005 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.]~~ 7. 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 or motor vehicle fuel, as may be necessary under the provisions of NRS 590.010 to 590.150, inclusive.~~

~~10.]~~ 8. The analysis and testing of antifreeze, as may be necessary under the provisions of NRS 590.340 to 590.450, inclusive.

~~[11.]~~ 9. 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.

Sec. 11. NRS 561.385 is hereby amended to read as follows:

561.385 1. The Agriculture Registration and Enforcement Account is hereby created in the State General Fund for the use of the Department.

2. The following fees must be deposited in the Agriculture Registration and Enforcement Account:

(a) Except as otherwise provided in NRS 586.270, fees collected pursuant to the provisions of NRS 586.010 to 586.450, inclusive.



(b) Fees collected pursuant to the provisions of chapter 588 of NRS.

(c) Fees collected pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

(d) Laboratory fees collected for the testing of pesticides as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to 586.450, inclusive.

(e) Laboratory fees collected for the analysis and testing of commercial fertilizers and agricultural minerals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 588 of NRS.

~~(f) Laboratory fees collected for the analysis and testing of petroleum products or motor vehicle fuel, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.010 to 590.150, inclusive.~~

~~(g)~~ Laboratory fees collected for the analysis and testing of antifreeze, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

3. Expenditures from the Agriculture Registration and Enforcement Account may be made to carry out the provisions of this chapter, NRS 555.2605 to 555.460, inclusive, or chapters 586 ~~[,]~~ and 588 ~~[and 590]~~ of NRS *and NRS 590.340 to 590.920, inclusive*, or for any other purpose authorized by the Legislature.

Sec. 12. Chapter 581 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 to 18, inclusive, of this act.

Sec. 13. *“Program” means the Weights and Measures Standards Program of the Department of Motor Vehicles created by section 14 of this act.*

Sec. 14. *1. The Weights and Measures Standards Program is hereby created within the Department of Motor Vehicles.*

2. The Program shall administer and enforce the provisions of chapters 581 and 582 of NRS and NRS 590.010 to 590.330, inclusive, and sections 34 and 35 of this act.

Sec. 15. *1. The State Sealer of Weights and Measures shall appoint such technical, clerical and operational staff as the execution of the duties of the State Sealer of Weights and Measures and Program pursuant to this chapter may require.*

2. The State Sealer of Weights and Measures may designate such personnel as are required to be field agents and inspectors in the enforcement of the provisions of this chapter. The provisions of this subsection do not authorize any personnel so designated by the State Sealer of Weights and Measures to retire from the Public



1 *Employees' Retirement System before having attained the*
2 *minimum service retirement age of 60 years.*

3 **Sec. 16.** 1. *The Program shall establish and maintain a*
4 *laboratory for the following purposes:*

5 (a) *The safekeeping and maintenance of official standards of*
6 *weights and measures, as may be necessary under the provisions*
7 *of chapter 581 of NRS.*

8 (b) *The analysis and testing of petroleum products or motor*
9 *vehicle fuel, as may be necessary under the provisions of NRS*
10 *590.010 to 590.150, inclusive.*

11 (c) *Any laboratory examinations, diagnoses, analyses or*
12 *testing which may be deemed necessary by the State Sealer of*
13 *Weights and Measures and which can be made with equipment*
14 *available in any such laboratory. Any resident of this State may*
15 *submit samples to the Program for examination, diagnosis,*
16 *analysis or testing, subject to such rules and regulations as may be*
17 *adopted by the State Sealer of Weights and Measures.*

18 2. *Laboratory fees collected for the analysis and testing of*
19 *petroleum products or motor vehicle fuel must be deposited in the*
20 *account created in the State Highway Fund pursuant to section 18*
21 *of this act.*

22 **Sec. 17.** 1. *Except as otherwise provided in subsection 2,*
23 *the Program and the State Sealer of Weights and Measures may*
24 *collect and disseminate, throughout the State, information*
25 *calculated to educate and benefit the general public and*
26 *information pertaining to any program administered by the*
27 *Department.*

28 2. *Except as otherwise provided in NRS 239.0115, all*
29 *proprietary information concerning:*

30 (a) *The quantity of production;*

31 (b) *Fiscal or tax matters; or*

32 (c) *The security of any facility,*

33 *↪ which specifically relates to a natural person, company,*
34 *corporation or other nonpublic entity and which is collected by the*
35 *Program or the State Sealer of Weights and Measures pursuant to*
36 *the provisions of chapter 581 of NRS is confidential.*

37 **Sec. 18.** 1. *In addition to the inspection fees and other*
38 *money transferred pursuant to NRS 590.120, all fees and other*
39 *money collected pursuant to the provisions of NRS 581.001 to*
40 *581.395, inclusive, and 582.001 to 582.210, inclusive, must be*
41 *deposited and credited to a separate account in the State Highway*
42 *Fund for the use of the Program.*

43 2. *Expenditures from the account must be made only for*
44 *carrying out the provisions of this chapter, chapter 582 of NRS*
45 *and NRS 590.010 to 590.330, inclusive.*



1 **3. Money in the account does not lapse to the State General**
2 **Fund at the end of a fiscal year. The interest and income earned**
3 **on the money in the account, after deducting any applicable**
4 **charges, must be credited to the account.**

5 **Sec. 19.** NRS 581.001 is hereby amended to read as follows:

6 581.001 As used in this chapter, unless the context otherwise
7 requires, the words and terms defined in NRS 581.002 to 581.022,
8 inclusive, **and section 13 of this act** have the meanings ascribed to
9 them in those sections.

10 **Sec. 20.** NRS 581.030 is hereby amended to read as follows:

11 581.030 The Director of the ~~[State]~~ Department of
12 ~~[Agriculture,]~~ **Motor Vehicles**, as ex officio State Sealer of Weights
13 and Measures, shall enforce the provisions of this chapter.

14 **Sec. 21.** NRS 581.065 is hereby amended to read as follows:

15 581.065 The State Sealer of Weights and Measures shall:

16 1. Ensure that weights and measures used in commercial
17 services within this State are suitable for their intended use, are
18 properly installed and accurate, and are so maintained by their
19 owner or user.

20 2. Prevent unfair or deceptive dealing by weight or measure in
21 any commodity or service advertised, packaged, sold or purchased
22 within this State.

23 3. Make available to all users of physical standards, or of
24 weighing and measuring equipment, the precision calibration and
25 related metrological certification capabilities of the facilities of the
26 ~~[Division,]~~ **Program.**

27 4. Promote uniformity, to the extent practicable and desirable,
28 between the requirements relating to weights and measures of this
29 State and similar requirements of other states and federal agencies.

30 5. Adopt regulations establishing such requirements relating to
31 weights and measures as are necessary to ensure equity between
32 buyers and sellers, and thereby encourage desirable economic
33 growth while protecting consumers.

34 **Sec. 22.** NRS 581.067 is hereby amended to read as follows:

35 581.067 The State Sealer of Weights and Measures shall:

36 1. Adopt regulations establishing such primary standards and
37 secondary standards for weights and measures for use in this State
38 as the State Sealer of Weights and Measures determines appropriate.

39 2. Maintain traceability of the state standards to the national
40 standards of the National Institute of Standards and Technology.

41 3. Enforce the provisions of this chapter.

42 4. Adopt other reasonable regulations for the enforcement of
43 this chapter.

44 5. Establish requirements for:

45 (a) Labeling;



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- 1 (b) The presentation of information relating to cost per unit;
- 2 (c) Standards of weight, measure or count, and reasonable
- 3 standards of fill, for any packaged commodity; and
- 4 (d) Information relating to open dating of packaged food.
- 5 6. Grant such exemptions from the provisions of this chapter or
- 6 any regulations adopted pursuant thereto as the State Sealer of
- 7 Weights and Measures determines appropriate to the maintenance of
- 8 good commercial practices within this State.
- 9 7. Conduct investigations to ensure compliance with this
- 10 chapter.
- 11 8. Delegate to appropriate personnel any of the responsibilities
- 12 of the ~~[Division]~~ **Program** as needed for the proper administration
- 13 of the ~~[Division.]~~ **Program**.
- 14 9. Adopt regulations establishing a schedule of civil penalties
- 15 for any violation of NRS 581.415.
- 16 10. Inspect and test commercial weights and measures that are
- 17 kept, offered or exposed for sale.
- 18 11. Inspect and test, to ascertain if they are correct, weights and
- 19 measures that are commercially used to:
- 20 (a) Determine the weight, measure or count of commodities or
- 21 things that are sold, or offered or exposed for sale, on the basis of
- 22 weight, measure or count; or
- 23 (b) Compute the basic charge or payment for services rendered
- 24 on the basis of weight, measure or count.
- 25 12. Test all weights and measures used in checking the receipt
- 26 or disbursement of supplies by entities funded by legislative
- 27 appropriations.
- 28 13. Approve for use such commercial weights and measures as
- 29 the State Sealer of Weights and Measures determines are correct and
- 30 appropriate. The State Sealer of Weights and Measures may mark
- 31 such commercial weights and measures. The State Sealer of
- 32 Weights and Measures shall reject and order to be corrected,
- 33 replaced or removed any commercial weights and measures found to
- 34 be incorrect. Weights and measures that have been rejected may be
- 35 seized if they are not corrected within the time specified or if they
- 36 are used or disposed of in a manner not specifically authorized. The
- 37 State Sealer of Weights and Measures shall remove from service
- 38 and may seize weights and measures found to be incorrect that are
- 39 not capable of being made correct.
- 40 14. Weigh, measure or inspect packaged commodities that are
- 41 kept, offered or exposed for sale, sold or in the process of delivery
- 42 to determine whether the packaged commodities contain the
- 43 amounts represented and whether they are kept, offered or exposed
- 44 for sale in accordance with this chapter or the regulations adopted
- 45 pursuant thereto. In carrying out the provisions of this subsection,



1 the State Sealer of Weights and Measures shall employ recognized
2 sampling procedures, including, without limitation, sampling
3 procedures adopted by the National Conference on Weights and
4 Measures.

5 15. Adopt regulations prescribing the appropriate term or unit
6 of weight or measure to be used whenever the State Sealer of
7 Weights and Measures determines that an existing practice of
8 declaring the quantity of a commodity, or of setting charges for a
9 service by weight, measure, numerical count or time, or any
10 combination thereof, does not facilitate value comparisons by
11 consumers or may confuse consumers.

12 16. Allow reasonable variations from the stated quantity of
13 contents that entered intrastate commerce, which must include those
14 variations caused by loss or gain of moisture during the course of
15 good distribution practices or by unavoidable deviations in good
16 manufacturing practices.

17 17. Provide for the training of persons employed by any
18 governmental entity within this State, including, without limitation,
19 state, county and municipal personnel, who enforce the provisions
20 of this chapter and chapter 582 of NRS, and any regulations adopted
21 pursuant thereto, relating to weights and measures. The State Sealer
22 of Weights and Measures may establish by regulation minimum
23 training and performance requirements which must be met by all
24 such persons.

25 18. Verify advertised prices, price representations and point-of-
26 sale systems, as necessary, to determine the accuracy of prices and
27 computations and the correct use of the equipment, and, if such
28 systems utilize scanning or coding means in lieu of manual entry,
29 the accuracy of prices printed or recalled from a database. In
30 carrying out the provisions of this subsection, the State Sealer of
31 Weights and Measures shall:

32 (a) Employ recognized procedures for making such verifications
33 and determinations of accuracy, including, without limitation, any
34 appropriate procedures designated by the National Institute of
35 Standards and Technology;

36 (b) Adopt regulations and issue orders regarding standards for
37 the accuracy of advertised prices and automated systems for retail
38 price charging, or point-of-sale systems, and for the enforcement of
39 those standards; and

40 (c) Conduct investigations to ensure compliance with those
41 standards.

42 **Sec. 23.** NRS 581.415 is hereby amended to read as follows:

43 581.415 1. A person shall not:

44 (a) Use in commerce, or have in his or her possession for use in
45 commerce, any incorrect weight or measure;



(b) Sell or offer for sale for use in commerce any incorrect weight or measure;

(c) Remove any tag, seal or mark from any weight or measure without specific written authorization from the proper authority;

(d) Hinder or obstruct any inspector of the ~~[Division]~~ *Program* in the performance of the inspector's duties; or

(e) Violate any provisions of this chapter or any regulation adopted pursuant thereto.

2. A person who violates any provision of this section is, in addition to any criminal penalty that may be imposed, subject to a civil penalty in accordance with the schedule of civil penalties established by the State Sealer of Weights and Measures pursuant to subsection 9 of NRS 581.067.

Sec. 24. NRS 581.520 is hereby amended to read as follows:

581.520 1. The Council may accept gifts or grants from any source, and expend money so received or otherwise available to it to contract with qualified persons or institutions for research in matters related to the conversion to the metric system of weights and measures.

2. There is hereby created in the State Treasury the Metric System Trust Fund. The Director of the ~~[State]~~ Department of ~~[Agriculture]~~ *Motor Vehicles* is responsible for the administration of the Trust Fund and shall deposit with the State Treasurer for credit to the Fund any money obtained by the Council pursuant to this section. Claims against the Fund must be approved by the Council and paid as other claims against the State are paid.

Sec. 25. Chapter 582 of NRS is hereby amended by adding thereto the provisions set forth as sections 26, 27 and 28 of this act.

Sec. 26. *"Program" means the Weights and Measures Standards Program of the Department of Motor Vehicles created by section 14 of this act.*

Sec. 27. 1. *The State Sealer of Weights and Measures shall appoint such technical, clerical and operational staff as the execution of the duties of the State Sealer of Weights and Measures and Program pursuant to this chapter may require.*

2. The State Sealer of Weights and Measures may designate such personnel as are required to be field agents and inspectors in the enforcement of the provisions of this chapter. The provisions of this subsection do not authorize any personnel so designated by the State Sealer of Weights and Measures to retire from the Public Employees' Retirement System before having attained the minimum service retirement age of 60 years.

Sec. 28. 1. *Except as otherwise provided in subsection 2, the Program and the State Sealer of Weights and Measures may collect and disseminate, throughout the State, information*



1 *calculated to educate and benefit the general public and*
2 *information pertaining to the Program.*

3 2. *Except as otherwise provided in NRS 239.0115, all*
4 *proprietary information concerning:*

5 (a) *The quantity of production;*

6 (b) *Fiscal or tax matters; or*

7 (c) *The security of any facility,*

8 *↪ which specifically relates to a natural person, company,*
9 *corporation or other nonpublic entity and which is collected by the*
10 *Program or the State Sealer of Weights and Measures pursuant to*
11 *the provisions of chapter 582 of NRS is confidential.*

12 **Sec. 29.** NRS 582.001 is hereby amended to read as follows:

13 582.001 As used in this chapter, unless the context otherwise
14 requires, the words and terms defined in NRS ~~582.004 to~~ **582.011,**
15 **582.012 and** 582.017 ~~[-inclusive,]~~ *and section 26 of this act* have
16 the meanings ascribed to them in those sections.

17 **Sec. 30.** NRS 582.040 is hereby amended to read as follows:

18 582.040 If satisfied with the qualifications of the applicant, the
19 State Sealer of Weights and Measures shall issue a license as a
20 public weighmaster, for which license the State Sealer of Weights
21 and Measures shall charge a fee established by regulation of the
22 State ~~[Board of Agriculture,]~~ **Sealer of Weights and Measures.**

23 **Sec. 31.** NRS 582.115 is hereby amended to read as follows:

24 582.115 A public weighmaster shall keep and preserve a
25 legible copy of each certificate of weights and measures which the
26 public weighmaster issues for the period specified by the State
27 Sealer of Weights and Measures by regulation. The certificates must
28 be available for inspection by an authorized employee of the
29 ~~[Division]~~ **Program** during normal office hours.

30 **Sec. 32.** NRS 582.200 is hereby amended to read as follows:

31 582.200 A public weighmaster shall only use measurement
32 practices and equipment:

33 1. In accordance with the provisions of this chapter and any
34 regulations adopted pursuant thereto; and

35 2. That have been examined, tested and approved for use by an
36 authorized employee of the ~~[Division,]~~ **Program.**

37 **Sec. 33.** Chapter 590 of NRS is hereby amended by adding
38 thereto the provisions set forth as sections 34 and 35 of this act.

39 **Sec. 34. 1. The State Sealer of Weights and Measures shall**
40 **appoint such technical, clerical and operational staff as the**
41 **execution of the duties of the State Sealer of Weights and**
42 **Measures and Program pursuant to this chapter may require.**

43 **2. The State Sealer of Weights and Measures may designate**
44 **such personnel as are required to be field agents and inspectors in**
45 **the enforcement of the provisions of this chapter. The provisions**



1 *of this subsection do not authorize any personnel so designated by*
2 *the State Sealer of Weights and Measures to retire from the Public*
3 *Employees' Retirement System before having attained the*
4 *minimum service retirement age of 60 years.*

5 **Sec. 35.** 1. *Except as otherwise provided in subsection 2,*
6 *the Program, the Department of Motor Vehicles and the State*
7 *Sealer of Weights and Measures may collect and disseminate,*
8 *throughout the State, information calculated to educate and*
9 *benefit the general public and information pertaining to the*
10 *Program and any other programs administered by the State Sealer*
11 *of Weights and Measures or the Department.*

12 2. *Except as otherwise provided in NRS 239.0115, all*
13 *proprietary information concerning:*

14 (a) *The quantity of production;*

15 (b) *Fiscal or tax matters; or*

16 (c) *The security of any facility,*

17 *↪ which specifically relates to a natural person, company,*
18 *corporation or other nonpublic entity and which is collected by the*
19 *Program or the State Sealer of Weights and Measures pursuant to*
20 *the provisions of NRS 590.010 to 590.150, inclusive, is*
21 *confidential.*

22 **Sec. 36.** NRS 590.020 is hereby amended to read as follows:

23 590.020 As used in NRS 590.010 to 590.330, inclusive, *and*
24 *sections 34 and 35 of this act,* unless the context otherwise requires:

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

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

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

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

36 5. "Grade" means:

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

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

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



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

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

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

8. "Petroleum products" means gasoline, diesel fuel, burner fuel kerosene, lubricating oil, motor oil or any product represented as motor oil or lubricating oil. The term does not include liquefied petroleum gas, natural gas or motor oil additives.

9. ***"Program" means the Weights and Measures Standards Program of the Department of Motor Vehicles created by section 14 of this act.***

10. "Recycled oil" means a petroleum product which is prepared from used motor oil or used lubricating oil. The term includes rerefined oil.

~~10.~~ 11. "Rerefined oil" means used oil which is refined after its previous use to remove from the oil any contaminants acquired during the previous use.

~~11.~~ 12. "Used oil" means any oil which has been refined from crude or synthetic oil and, as a result of use, has become unsuitable for its original purpose because of a loss of its original properties or the presence of impurities, but which may be suitable for another use or economically recycled.

~~12.~~ 13. "Viscosity grade classification" means the measure of an oil's resistance to flow at a given temperature according to the grade classification system of the Society of Automotive Engineers or other grade classification.

Sec. 37. NRS 590.063 is hereby amended to read as follows:

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

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



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1 and the total price of the quantity of gasoline dispensed at the
2 particular sale.

3 (c) The device has a locking selector mechanism which prevents
4 the changing of the proportion of the two qualities being combined
5 during the dispensing of the desired quantity.

6 2. The provisions of this section authorize the operation of a
7 blending type of pump or dispenser connected to two tanks
8 containing two different grades of the same product, which, if
9 blended together in different proportions, will produce gasoline of
10 different octane rating, each blend of which meets the specifications
11 for gasoline as required by this chapter.

12 **Sec. 38.** NRS 590.065 is hereby amended to read as follows:

13 590.065 1. The use of pumps, dispensers or other devices
14 which are capable of withdrawing gasoline from one tank containing
15 gasoline and another tank containing motor oil and dispensing them
16 as a single combined product and of withdrawing gasoline alone
17 from the tank containing gasoline must be authorized if the
18 ~~[Division of Measurement Standards of the State Department of~~
19 ~~Agriculture]~~ **Program** determines that all the following conditions
20 exist:

21 (a) The device mechanism accurately measures the quantities
22 being simultaneously withdrawn for dispensing as a combined
23 product from each of the two tanks when the combined product is
24 dispensed, and the quantity being dispensed from the gasoline tank
25 alone when gasoline alone is dispensed.

26 (b) The device mechanism accurately and visibly records and
27 displays the ratio of gasoline to motor oil, the quantity of each
28 ingredient being dispensed, the price per gallon for gasoline being
29 dispensed and the price per quart for motor oil being dispensed, or
30 accurately and visibly records and displays the ratio of gasoline to
31 motor oil and the total volume of the oil and gasoline mixture
32 delivered, and computes the total cost based upon the price set for
33 the finished blend.

34 (c) The device mechanism prevents the changing of the ratio of
35 gasoline to motor oil during dispensing.

36 (d) There is firmly attached to or painted upon the device
37 mechanism panel a sign or label plainly visible consisting of the
38 words "two-cycle motor fuel" together with the brand name or
39 trademark of the product, all of which must be in letters not less
40 than one-half inch in height.

41 2. The provisions of this section authorize the operation of a
42 blending type of pump or dispenser connected to two tanks, one
43 containing motor oil and the other gasoline, but only if the motor oil
44 in its separate state meets the specifications for lubricating oil as



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required by NRS 590.080 and the gasoline in its separate state meets the specifications for gasoline as required by NRS 590.070.

Sec. 39. NRS 590.070 is hereby amended to read as follows:

590.070 1. The ~~{State Board of Agriculture}~~ *Department of Motor Vehicles* shall adopt by regulation specifications for motor vehicle fuel:

(a) 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

(b) 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 paragraph, "air pollution control agency" means any federal air pollution control agency or 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.

2. The ~~{State Board of Agriculture}~~ *Department of Motor Vehicles* shall adopt by regulation procedures for allowing variances from the specifications for motor vehicle fuel adopted pursuant to this section.

3. 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 as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the ~~{State Board of Agriculture}~~ *Department of Motor Vehicles* pursuant to this section.

4. This section does not apply to aviation fuel.

5. 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. 40. NRS 590.071 is hereby amended to read as follows:

590.071 1. The ~~{State Board of Agriculture}~~ *Department of Motor Vehicles* shall:

(a) Enforce the specifications for motor vehicle fuel 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}~~ *Department* for each violation must not exceed \$5,000 per day. All fines collected by the ~~{Board}~~ *Department* 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]~~ *Department of Motor Vehicles* 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]~~ *Department* suspects may have violated any provision of NRS 590.070.

Sec. 41. NRS 590.090 is hereby amended to read as follows:

590.090 1. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, or assist in the sale of or permit to be sold or offered for sale any petroleum or petroleum product to be used for heating purposes, unless the petroleum or petroleum product conforms to the most recent standards adopted by ASTM International.

2. All bulk storage tanks, dispensers and petroleum tank truck compartment outlets containing or dispensing heating fuel must be labeled with the brand name and the grade designation of the heating fuel.

3. A person shall not use the numerical grade designation for heating fuels adopted by ASTM International unless the designation conforms to that designation. Persons using a designation other than the numerical grade designation adopted by ASTM International must file with the ~~[Division of Measurement Standards of the State Department of Agriculture]~~ *Program* the designation to be used together with its corresponding grade designation of ASTM International.

Sec. 42. NRS 590.120 is hereby amended to read as follows:

590.120 1. Every person, or any officer, agent or employee thereof, shipping or transporting any motor vehicle fuel or lubricating oil into this State for sale or consignment, or with intent to sell or consign the same, shall pay to the Department of Motor Vehicles an inspection fee of 0.055 of a cent per gallon for every gallon of motor vehicle fuel or lubricating oil so shipped or transported into the State, or that is held for sale within this State. This section does not require the payment of an inspection fee on any shipment or consignment of motor vehicle fuel or lubricating oil when the inspection fee has been paid.

2. The inspection fees collected pursuant to the provisions of subsection 1, together with any penalties and interest collected thereon, must be transferred quarterly to the account ~~[in the State General Fund created pursuant to NRS 561.412 for the use of the State Department of Agriculture.]~~ *created in the State Highway Fund pursuant to section 18 of this act.*



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3. On or before the last day of each calendar month, every person, or any officer, agent or employee thereof, required to pay the inspection fee described in subsection 1 shall send to the Department of Motor Vehicles a correct report of the motor vehicle fuel or oil volumes for the preceding month. The report must include a list of distributors or retailers distributing or selling the products and must be accompanied by the required fees.

4. Failure to send the report and remittance as specified in subsections 1 and 3 is a violation of NRS 590.010 to 590.150, inclusive, and is punishable as provided in NRS 590.150.

5. The provisions of this section must be carried out in the manner prescribed in chapters 360A and 365 of NRS.

6. All expenses incurred by the Department of Motor Vehicles in carrying out the provisions of this section are a charge against the account created ~~[pursuant to NRS 561.412.]~~ *in the State Highway Fund pursuant to section 18 of this act.*

7. For the purposes of this section, "motor vehicle fuel" does not include diesel fuel, burner fuel or kerosene.

Sec. 43. NRS 590.324 is hereby amended to read as follows:

590.324 1. A person subject to a civil penalty may request an administrative hearing within 10 days after receipt of the notice of the civil penalty. The State Sealer of Weights and Measures or a designee thereof shall conduct the hearing after giving appropriate notice to the respondent. The decision of the State Sealer of Weights and Measures or designee is subject to appropriate judicial review.

2. If the respondent has exhausted all administrative appeals and the civil penalty has been upheld, the respondent shall pay the civil penalty:

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

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

3. If the respondent fails to pay the civil penalty, a civil action may be brought by the State Sealer of Weights and Measures in any court of competent jurisdiction to recover the civil penalty. All civil penalties collected pursuant to this chapter must be deposited with the State Treasurer for credit to *account created in the State ~~[General] Highway~~ Fund ~~[.]~~ pursuant to section 18 of this act.*

Sec. 44. NRS 590.380 is hereby amended to read as follows:

590.380 1. Before any antifreeze may be sold, displayed for sale or held with intent to sell within this State, a sample thereof must be inspected annually by the State ~~[Sealer of Weights and Measures.]~~ *Department of Agriculture.*



2. Upon application of the manufacturer, packer, seller or distributor and the payment of a fee established by regulation of the State Board of Agriculture for each brand of antifreeze submitted, the State ~~{Sealer of Weights and Measures}~~ *Department of Agriculture* shall inspect the antifreeze submitted. If the antifreeze:

(a) Is not adulterated or misbranded;

(b) Meets the standards of the State Sealer of Weights and Measures; and

(c) Is not in violation of NRS 590.340 to 590.450, inclusive,

→ the State ~~{Sealer of Weights and Measures}~~ *Department of Agriculture* shall issue to the applicant a written permit authorizing its sale in this State for the fiscal year in which the inspection fee is paid.

3. If the State ~~{Sealer of Weights and Measures}~~ *Department of Agriculture* at a later date finds that:

(a) The product to be sold, displayed for sale or held with intent to sell has been materially altered or adulterated;

(b) A change has been made in the name, brand or trademark under which the antifreeze is sold; or

(c) The antifreeze violates the provisions of NRS 590.340 to 590.450, inclusive,

→ the State ~~{Sealer of Weights and Measures}~~ *Department of Agriculture* shall notify the applicant and the permit must be cancelled forthwith.

Sec. 45. NRS 590.400 is hereby amended to read as follows:

590.400 1. The State ~~{Sealer of Weights and Measures}~~ *Department of Agriculture* shall enforce the provisions of NRS 590.340 to 590.450, inclusive, by inspections, chemical analyses or any other appropriate methods. All samples for inspection or analysis shall be taken from stocks in the State or intended for sale in the State, or the State ~~{Sealer of Weights and Measures, through his or her agents,}~~ *Department of Agriculture* may call upon the manufacturer or distributor applying for an inspection of an antifreeze to supply such samples thereof for analysis.

2. The State ~~{Sealer of Weights and Measures, through his or her agents,}~~ *Department of Agriculture* shall have free access at all reasonable times to all places of business, buildings, vehicles, cars and vessels used in the manufacture, transportation, sale or storage of any antifreeze, and he or she may open any box, carton, parcel or package containing or supposed to contain any antifreeze and may take therefrom samples for analysis. If the person, or any officer, agent or employee thereof, from which such sample is taken, at the time of taking demands payment, the person taking such sample shall pay the reasonable market price therefor.



1 **Sec. 46.** NRS 590.420 is hereby amended to read as follows:
2 590.420 The State ~~{Sealer of Weights and Measures}~~
3 *Department of Agriculture* may furnish upon request a list of the
4 brands and trademarks of antifreeze inspected by the State ~~{Sealer of~~
5 ~~Weights and Measures or his or her agents}~~ *Department of*
6 *Agriculture* during the fiscal year which have been found to be in
7 accord with NRS 590.340 to 590.450, inclusive.

8 **Sec. 47.** NRS 590.430 is hereby amended to read as follows:
9 590.430 No advertising literature relating to any antifreeze sold
10 or to be sold in this State shall contain any statement that the
11 antifreeze advertised for sale has been approved by the State ~~{Sealer~~
12 ~~of Weights and Measures;}~~ *Department of Agriculture*, but if any
13 antifreeze has been inspected by the State ~~{Sealer of Weights and~~
14 ~~Measures}~~ *Department of Agriculture* and found to meet the
15 standards of the State ~~{Sealer of Weights and Measures}~~
16 *Department of Agriculture* and not to be in violation of NRS
17 590.340 to 590.450, inclusive, such statement may be contained in
18 any advertising literature where such brand or trademark of
19 antifreeze is being advertised for sale.

20 **Sec. 48.** NRS 590.440 is hereby amended to read as follows:
21 590.440 Whenever the State ~~{Sealer of Weights and Measures}~~
22 *Department of Agriculture* shall discover any antifreeze is being
23 sold or has been sold in violation of NRS 590.340 to 590.450,
24 inclusive, the facts shall be furnished to the district attorney of the
25 county where the violation occurred, who shall institute proper
26 proceedings.

27 **Sec. 49.** NRS 706.188 is hereby amended to read as follows:
28 706.188 1. Upon the request of a motor carrier or a service
29 provider, the Department may enter into an agreement with the
30 motor carrier or service provider which authorizes the motor carrier
31 or service provider:

32 (a) Without applying to the Department, to register or transfer or
33 renew the registration of any vehicle:

34 (1) Owned solely by the motor carrier or service provider; or
35 (2) Leased solely by the motor carrier or service provider, if
36 the lease is a long-term lease; and

37 (b) To issue registration credentials on behalf of the Motor
38 Carrier *and Fuel Tax* Division of the Department for any vehicle
39 registered pursuant to paragraph (a) and for any vehicle with a
40 registration that has been renewed or transferred pursuant to
41 paragraph (a).

42 2. Before registering or transferring or renewing the
43 registration of any vehicle pursuant to subsection 1:

44 (a) A motor carrier who enters into an agreement with the
45 Department pursuant to this section shall file with the Department a



1 bond of a surety company authorized to transact business in this
2 State for the benefit of this State in an amount not less than \$25,000;
3 and

4 (b) A service provider who enters into an agreement with the
5 Department pursuant to this section shall file with the Department a
6 bond of a surety company authorized to transact business in this
7 State for the benefit of this State in an amount not less than \$50,000.

8 3. If a motor carrier or service provider provides a savings
9 certificate, certificate of deposit or investment certificate pursuant to
10 NRS 100.065 in lieu of the bond required pursuant to subsection 2,
11 the certificate must state that the amount is not available for
12 withdrawal except upon the approval of the Director of the
13 Department.

14 4. If at any time a motor carrier or service provider is unable to
15 account for an unissued license plate or decal, the motor carrier or
16 service provider must immediately pay to the Department an
17 amount established by the Department.

18 5. The Director of the Department shall adopt such regulations
19 as are necessary to carry out the provisions of this section.

20 6. As used in this section:

21 (a) "Lease" has the meaning ascribed to it in NRS 482.053.

22 (b) "Long-term lease" means a lease for a fixed period of more
23 than 31 days.

24 (c) "Motor carrier" means a common, contract or private motor
25 carrier registered through the Motor Carrier *and Fuel Tax* Division
26 of the Department.

27 (d) "Registration credentials" includes, without limitation,
28 license plates, registration cab cards, decals and temporary authority
29 permits.

30 (e) "Service provider" means a business or organization
31 authorized by the Department to register or transfer or renew the
32 registration of vehicles on behalf of motor carriers.

33 **Sec. 50.** NRS 561.108, 561.155, 561.412, 581.0045 and
34 582.004 are hereby repealed.

35 **Sec. 51.** Upon passage and approval of this act, the State
36 Controller shall transfer all money in the account created in the State
37 General Fund pursuant to the provisions NRS 561.412 to the
38 account created in the State Highway Fund pursuant to section 18 of
39 this act.

40 **Sec. 52.** The officers and agencies of this State whose
41 responsibilities have been transferred pursuant to the provisions of
42 this act shall cooperate fully and take all reasonable steps upon
43 passage and approval of this act to ensure that the provisions of this
44 act are carried out in an orderly fashion.



1 **Sec. 53.** 1. Any administrative regulations adopted by an
2 officer, agency or other entity whose name has been changed or
3 whose responsibilities have been transferred pursuant to the
4 provisions of this act to another officer, agency or other entity
5 remain in force until amended by the officer, agency or other entity
6 to which the responsibility for the adoption of the regulations has
7 been transferred.

8 2. Any contracts or other agreements entered into by an officer,
9 agency or other entity whose name has been changed or whose
10 responsibilities have been transferred pursuant to the provisions of
11 this act to another officer, agency or other entity are binding upon
12 the officer, agency or other entity to which the responsibility for the
13 administration of the provisions of the contract or other agreement
14 has been transferred. Such contracts and other agreements may be
15 enforced by the officer, agency or other entity to which the
16 responsibility for the enforcement of the provisions of the contract
17 or other agreement has been transferred.

18 3. Any action taken by an officer, agency or other entity whose
19 name has been changed or whose responsibilities have been
20 transferred pursuant to the provisions of this act to another officer,
21 agency or other entity remains in effect as if taken by the officer,
22 agency or other entity to which the responsibility for the
23 enforcement of such actions has been transferred.

24 **Sec. 54.** 1. The Legislative Counsel shall, in preparing:

25 (a) The reprint and supplements to the Nevada Revised Statutes
26 with respect to any section which is not amended by this act or
27 adopted or amended by another act, appropriately change any
28 references to an officer, agency or other entity whose name is
29 changed or whose duties are transferred pursuant to the provisions
30 of this act to refer to the appropriate officer, agency or other entity.
31 If any internal reference is made to a section repealed by this act, the
32 Legislative Counsel shall delete the reference and replace it by
33 reference to the superseding section, if any.

34 (b) Supplements to the Nevada Administrative Code,
35 appropriately change any references to an officer, agency or other
36 entity whose name is changed or whose duties are transferred
37 pursuant to the provisions of this act to refer to the appropriate
38 officer, agency or other entity.

39 2. Any reference in a bill or resolution passed by the 76th
40 Session of the Nevada Legislature to an officer or agency whose
41 name is changed or whose responsibilities have been transferred
42 pursuant to the provisions of this act to another officer or agency
43 shall be deemed to refer to the officer or agency to which the
44 responsibility is transferred.



- 1 **Sec. 55.** This act becomes effective upon passage and
2 approval.

TEXT OF REPEALED SECTIONS

561.108 Creation; administration and enforcement of various provisions of NRS.

1. The Division of Measurement Standards is hereby created within the Department. The Director shall appoint an Administrator of the Division who shall administer all activities and services of the Division.

2. The Division of Measurement Standards shall administer and enforce the provisions of chapters 581 and 582 of NRS and NRS 590.010 to 590.450, inclusive.

561.155 Ex officio State Sealer of Weights and Measures. The Director is hereby designated and appointed ex officio State Sealer of Weights and Measures, and shall carry out all the duties of the State Sealer of Weights and Measures as provided by law.

561.412 Separate account for certain fees.

1. In addition to the inspection fees and other money transferred pursuant to NRS 590.120, all fees and other money collected pursuant to the provisions of NRS 581.001 to 581.395, inclusive, and 582.001 to 582.210, inclusive, must be deposited in the State Treasury and credited to a separate account in the State General Fund for the use of the Department.

2. Expenditures from the account must be made only for carrying out the provisions of this chapter and chapters 581 and 582 of NRS and NRS 590.010 to 590.330, inclusive.

3. Money in the account does not lapse to the State General Fund at the end of a fiscal year. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.

581.0045 "Division" defined. "Division" means the Division of Measurement Standards of the State Department of Agriculture.

582.004 "Division" defined. "Division" means the Division of Measurement Standards of the State Department of Agriculture.

