

Amendment No. 422

Assembly Amendment to Assembly Bill No. 146 (BDR 40-15)

Proposed by: Assembly Committee on Transportation

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

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of A.B. 146 (§ 2.5).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold underlining* is language proposed to be added 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 proposed to be retained in this amendment.

DLJ/MSM



Date: 4/15/2015

A.B. No. 146—Revises provisions governing motor vehicle licensing. (BDR 40-15)



ASSEMBLY BILL NO. 146—COMMITTEE ON TRANSPORTATION

FEBRUARY 11, 2015

Referred to Committee on Transportation

SUMMARY—Revises provisions governing motor vehicle licensing.
(BDR 40-15)

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; ~~increasing 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~~ **authorizes** 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~~ **to prescribe standards for** emissions from motor vehicles, ~~in areas designated by the Commission. (NRS 445B.770) Existing law also imposes certain limitations on compulsory inspection programs established by the Commission. (NRS 445B.795.) (NRS 445B.760)~~

Section 2.3 of this bill ~~further limits the authority of~~ **requires** the Commission ~~by specifying that the regulations adopted by the Commission require: (1) the initial inspection of a new passenger car or new light duty motor vehicle 4 years after the initial registration of the vehicle; and (2) the subsequent inspection of a passenger car or light duty motor vehicle not more often than every 2 years,~~ **to exempt from those standards any motor vehicle manufactured before 1996.**

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) Section 2 of this bill raises the fees to \$12 per form and \$300 per set of forms so that the change in the required frequency of emissions inspections from every year to every other year prescribed by section 1 does not affect the funding of the Pollution Control Account.

However, existing law also requires the Department of Motor Vehicles, for the initial issuance of license plates for **certain** "Old Timer" antique vehicles, "Street Rods," "Classic Rods" and "Classic Vehicles," to charge an additional fee that is equal in amount to the fee charged for a form distributed to certify emission control compliance ~~if the vehicle for which such a license plate is issued is exempted from emissions testing.~~ (NRS 482.381, 482.3812, 482.3814, 482.3816) ~~To prevent an increase in this additional fee for the initial issuance of these license plates, sections 3-6 of this bill fix this additional fee at the existing amount of \$6.~~ **Sections 3-6 of this bill remove the requirement for the fee as to vehicles with those certain license plates. Section 2.5 of this bill requires the Department to charge a fee that is equal to the amount of the fee for a form certifying emission control compliance at the initial issuance of license plates for any motor vehicle which is exempt from emissions testing by section 2.3. Section 2.5 also requires that the fees must be**

accounted for in the Pollution Control Account, to reduce the effect on the Account of the new exemption provided in section 2.3.

Section 6.3 of this bill clarifies that if the owner of a motor vehicle that was registered with "Old Timer," "Street Rod," "Classic Rod" or "Classic Vehicle" plates before July 1, 2015, has already, in connection with that vehicle, paid the special fee that is equal to the amount of the fee for a form certifying emission control compliance, such a person is not required to pay that same fee again for the same vehicle pursuant to section 2.5.

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 4 years after initial registration of the vehicle; and~~

~~(b) Except as otherwise provided in paragraph (a), the inspection of a passenger car or light duty motor vehicle be conducted not more often than every 2 years.~~ (Deleted by amendment.)

1 **Sec. 2.** ~~NRS 445B.820 is hereby amended to read as follows:~~

2 ~~445B.830 — 1. In areas of the State where and when a program is commenced~~
3 ~~pursuant to NRS 445B.770 to 445B.815, inclusive, the following fees must be paid~~
4 ~~to the Department of Motor Vehicles and accounted for in the Pollution Control~~
5 ~~Account, which is hereby created in the State General Fund:~~

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

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

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

12 ~~2. Except as otherwise provided in subsection 6, and after deduction of the~~
13 ~~amounts distributed pursuant to subsection 4, money in the Pollution Control~~
14 ~~Account may, pursuant to legislative appropriation or with the approval of the~~
15 ~~Interim Finance Committee, be expended by the following agencies in the~~
16 ~~following order of priority:~~

17 ~~(a) The Department of Motor Vehicles to carry out the provisions of NRS~~
18 ~~445B.770 to 445B.845, inclusive.~~

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

21 ~~(c) The State Department of Agriculture to carry out the provisions of NRS~~
22 ~~590.010 to 590.150, inclusive.~~

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

26 ~~(e) The Tahoe Regional Planning Agency to carry out the provisions of NRS~~
27 ~~277.200 with respect to the preservation and improvement of air quality in the Lake~~
28 ~~Tahoe Basin.~~

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

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

40 ~~5. Each local air pollution control agency that receives money pursuant to~~
41 ~~subsections 4 and 6 shall, not later than 45 days after the end of the fiscal year in~~
42 ~~which the money is received, submit to the Director of the Legislative Council~~
43 ~~Bureau for transmittal to the Interim Finance Committee a report on the use of the~~
44 ~~money received.~~

45 ~~6. The Department of Motor Vehicles shall make annual distributions of~~
46 ~~excess money in the Pollution Control Account to local air pollution control~~
47 ~~agencies in nonattainment or maintenance areas for an air pollutant for which air~~
48 ~~quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related~~
49 ~~to the improvement of the quality of the air. The distributions of excess money~~
50 ~~made to local air pollution control agencies in a county pursuant to this subsection~~
51 ~~must be made in an amount proportionate to the number of forms issued in the~~
52 ~~county pursuant to subsection 1. As used in this subsection, "excess money" means~~
53 ~~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. The Department of Motor Vehicles shall 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) Establish goals and objectives for the program for control of emissions from motor vehicles;

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

(c) Review and make recommendations concerning regulations adopted pursuant to NRS 445B.770. **(Deleted by amendment.)**

Sec. 2.3. NRS 445B.760 is hereby amended to read as follows:

445B.760 1. The Commission may by regulation prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines on the ground or in the air, including, but not limited to, aircraft, motor vehicles, snowmobiles and railroad locomotives. The regulations must provide for the exemption from such standards of a **motor** vehicle ~~for which special license plates have been issued pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 if the owner of such a vehicle certifies to the Department of Motor Vehicles, on a form provided by the Department of Motor Vehicles, that the vehicle was not driven more than 5,000 miles during the immediately preceding year.~~ **manufactured before 1996.**

2. Except as otherwise provided in subsection 3, standards for exhaust emissions which apply to a:

(a) Reconstructed vehicle, as defined in NRS 482.100; and

(b) Trimobile, as defined in NRS 482.129,

must be based on standards which were in effect in the year in which the engine of the vehicle was built.

3. A trimobile that meets the definition of a motorcycle in 40 C.F.R. § 86.402-78 or 86.402-98, as applicable, is not subject to emissions standards under this chapter.

4. Any such standards which pertain to motor vehicles must be approved by the Department of Motor Vehicles before they are adopted by the Commission.

Sec. 2.5. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the fee for the issuance of a license plate and all other applicable registration and license fees and governmental services taxes, the Department shall charge and collect a fee for the first issuance of the license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

2. Fees paid to the Department pursuant to subsection 1 must be accounted for in the Pollution Control Account created by NRS 445B.830.

3. As used in this section, "first issuance" means the first time that the plates with which a motor vehicle is registered are issued or renewed on or after July 1, 2015.

Sec. 3. NRS 482.381 is hereby amended to read as follows:

482.381 1. ~~Except as otherwise provided in NRS 482.2655, the~~ **The** Department may issue special license plates and registration certificates to residents of Nevada for any motor vehicle which is a model manufactured more than 40 years before the date of application for registration pursuant to this section.

2. License plates issued pursuant to this section must bear the inscription "Old Timer," and the plates must be numbered consecutively.

3. The Nevada Old Timer Club members shall bear the cost of the dies for carrying out the provisions of this section.

4. The Department shall charge and collect the following fees for the issuance of these license plates, which fees are in addition to all other license fees and applicable taxes:

(a) For the first issuance \$35

(b) For a renewal sticker 10

~~5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee of \$6 for the first issuance of the license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (e) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.~~

Sec. 4. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. ~~Except as otherwise provided in NRS 482.2655, the~~ The Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

~~5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee of \$6 for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (e) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.~~

Sec. 5. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. ~~Except as otherwise provided in NRS 482.2655, the~~ The Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

~~15. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee of \$6 for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.~~

Sec. 6. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. ~~Except as otherwise provided in NRS 482.2655, the~~ **The** Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the Department; and

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

~~15. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee of \$6 for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.~~

~~6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.~~

1 Sec. 6.3. Notwithstanding the provisions of section 2.5 of this act, no
2 additional fee is required to be paid in connection with a motor vehicle
3 pursuant to that section if:

4 1. The motor vehicle was manufactured before 1996;

5 2. Before July 1, 2015, the motor vehicle was registered with special
6 license plates pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816; and

7 3. The owner of the motor vehicle, pursuant to NRS 482.381, 482.3812,
8 482.3814 or 482.3816, already paid to the Department an additional fee equal
9 to the amount of the fee for a form certifying emission control compliance set
10 forth in paragraph (c) of subsection 1 of NRS 445B.830.

11 Sec. 6.5. NRS 482.2655 is hereby repealed.

12 Sec. 7. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTION

482.2655 Department not to issue special license plates for certain older
motor vehicles within 90 days after failed emissions test.

1. If, with respect to a motor vehicle that is required to comply with the
provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations
adopted pursuant thereto, an authorized inspection station or authorized
station tests the emissions from the motor vehicle and the motor vehicle fails
the emissions test, the Department shall not issue a special license plate for that
vehicle pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 for a period
of 90 days after the motor vehicle fails the emissions test.

2. As used in this section:

(a) "Authorized inspection station" has the meaning ascribed to it in NRS
445B.710.

(b) "Authorized station" has the meaning ascribed to it in NRS 445B.720.

(c) "Fails the emissions test" means that a motor vehicle does not comply
with the applicable provisions of NRS 445B.700 to 445B.815, inclusive, and the
regulations adopted pursuant thereto.