

SENATE BILL NO. 42—COMMITTEE ON
GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE DIVISION OF ENVIRONMENTAL
PROTECTION OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 19, 2018

Referred to Committee on Growth and Infrastructure

SUMMARY—Repeals provisions requiring certain fleets of motor vehicles to use alternative fuels, clean vehicles or vehicles that use alternative fuels. (BDR 43-361)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to motor vehicle fleets; repealing provisions requiring certain fleets of motor vehicles to use alternative fuels, clean vehicles or vehicles that use alternative fuels; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill repeals the provisions of chapter 486A of NRS, relating to the use of alternative fuels in certain public fleets of motor vehicles in counties whose population is 100,000 or more (currently only Clark and Washoe Counties). Pursuant to chapter 486A of NRS, the State Environmental Commission is required to adopt regulations regarding: (1) standards and requirements for alternative fuels; (2) specifications for clean vehicles and motor vehicles that use alternative fuels; (3) the acquisition of clean vehicles and motor vehicles that use alternative fuels by certain fleets; (4) standards for emissions from motor vehicles that are converted to alternative fuels; and (5) the establishment of a procedure for approving variances or exemptions from certain requirements. (NRS 486A.150) The State Department of Conservation and Natural Resources is required to enforce the regulations, issue orders and conduct investigations and is authorized to conduct inspections of certain fleets for compliance. (NRS 486A.160, 486A.170)



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

Section 1. NRS 481.015 is hereby amended to read as follows:
481.015 1. Except as otherwise provided in this subsection,
as used in this title, unless the context otherwise requires,
“certificate of title” means the document issued by the Department
that identifies the legal owner of a vehicle and contains the
information required pursuant to subsection 2 of NRS 482.245. The
definition set forth in this subsection does not apply to chapters 488
and 489 of NRS.

2. Except as otherwise provided in chapter 480 of NRS, NRS
484C.600 to 484C.640, inclusive, 486.363 to 486.375, inclusive,
and ~~chapters 486A and~~ *chapter* 488 of NRS, as used in this title,
unless the context otherwise requires:

(a) “Department” means the Department of Motor Vehicles.

(b) “Director” means the Director of the Department.

3. As used in this title, the term “full legal name” means a
natural person’s first name, middle name and family name or last
name, without the use of initials or a nickname. The term includes a
full legal name that has been changed pursuant to the provisions of
NRS 483.375 or 483.8605.

Sec. 2. NRS 486A.010, 486A.020, 486A.030, 486A.035,
486A.050, 486A.070, 486A.080, 486A.100, 486A.110, 486A.120,
486A.130, 486A.140, 486A.150, 486A.160, 486A.170, 486A.180
and 486A.200 are hereby repealed.

Sec. 3. This act becomes effective upon passage and approval.

TEXT AND LEADLINES OF REPEALED SECTIONS

486A.010 Legislative findings. The Legislature finds that:

1. The State’s environment, particularly the quality of its air,
may be improved, especially in metropolitan areas, through the use
of alternative fuels and clean vehicles.

2. A very large proportion of air contaminants result from the
burning of liquid and gaseous fuels to operate trucks and buses,
many of which are operated in fleets. Each fuel can be evaluated as
to the air pollution it causes when burned in motor vehicles, and
particular models of motor vehicles can be evaluated to assess the
amount of contaminants those motor vehicles emit.

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



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

486A.030 “Alternative fuel” defined. “Alternative fuel” means any fuel which complies with the standards and requirements for alternative fuel established by the Commission. The term does not include a fuel that is required for use in this State pursuant to a state implementation plan adopted by this State pursuant to 42 U.S.C. § 7410.

486A.035 “Clean vehicle” defined. “Clean vehicle” means any motor vehicle which complies with the specifications for clean vehicles established by the Commission.

486A.050 “Commission” defined. “Commission” means the State Environmental Commission.

486A.070 “Department” defined. “Department” means the State Department of Conservation and Natural Resources.

486A.080 “Fleet” defined. “Fleet” means 50 or more motor vehicles which are registered in the same county and which are under the common control of and owned, leased or operated by a state agency or a local governing body. The term does not include long haul trucks for use in interstate transportation or motor vehicles held for lease or rental to the general public.

486A.100 “Manufacturer” defined. “Manufacturer” means a company that makes and sells motor vehicles as its primary business. The term does not include companies that make or sell experimental motor vehicles or motor vehicles that are prototypes.

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

1. An electric bicycle as defined in NRS 483.067;
2. A farm tractor as defined in NRS 482.035;
3. A moped as defined in NRS 482.069;
4. A motorcycle as defined in NRS 482.070; and
5. A vehicle having a manufacturer’s gross vehicle weight rating of more than 26,000 pounds, unless the vehicle is designed for carrying more than 15 passengers.

486A.120 “Motor vehicle fuel” defined. “Motor vehicle fuel” has the meaning ascribed to it in NRS 365.060.

486A.130 “State agency” defined. “State agency” means an agency, department, division or other entity of the State of Nevada.

486A.140 Applicability. The provisions of NRS 486A.010 to 486A.180, inclusive, do not apply to:



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

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

3. Any person exempted by the Commission.

486A.150 Regulations: Adoption by Commission; content and subject matter. The Commission shall adopt regulations necessary to carry out the provisions of NRS 486A.010 to 486A.180, inclusive, including, without limitation, regulations concerning:

1. Standards and requirements for alternative fuel. In establishing standards and requirements for alternative fuel, the Commission:

(a) Must consider fuels that are recognized by the Environmental Protection Agency and the Department of Energy to improve air quality or reduce harmful air emissions.

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

2. Specifications for clean vehicles and motor vehicles that use alternative fuels. To the extent practicable and appropriate, the specifications established by the Commission must be consistent with the specifications established by the Environmental Protection Agency and the Department of Energy for the vehicle category and year of manufacture.

3. The acquisition of clean vehicles and motor vehicles that use alternative fuels by a fleet that is operated in a county whose population is 100,000 or more, including, without limitation, recordkeeping and reporting requirements concerning such vehicles.

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

5. The establishment of a procedure for approving variances or exemptions to the requirements of NRS 486A.010 to 486A.180, inclusive. The Commission may approve a variance or exemption based upon:

(a) A determination by the Commission that compliance with the requirements of NRS 486A.010 to 486A.180, inclusive:

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

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

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

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



486A.160 Duties of Department: Issue orders; enforce regulations; conduct investigations.

1. The Department shall:

(a) Make such determinations and issue such orders as may be necessary to carry out the provisions of NRS 486A.010 to 486A.180, inclusive;

(b) Enforce the regulations adopted by the Commission pursuant to the provisions of NRS 486A.010 to 486A.180, inclusive; and

(c) Conduct any investigation, research or study necessary to carry out the provisions of NRS 486A.010 to 486A.180, inclusive.

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

486A.170 Inspection of fleets; reports.

1. An authorized representative of the Department may enter and inspect any fleet of motor vehicles that is subject to the requirements of NRS 486A.010 to 486A.180, inclusive, to ascertain compliance with the provisions of NRS 486A.010 to 486A.180, inclusive, and any regulations adopted pursuant thereto.

2. A person who owns or leases a fleet of motor vehicles shall not:

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

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

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

486A.180 Administrative fines; injunctions and other remedies; unlawful acts; deposit of money collected.

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

2. The Commission shall by regulation establish a schedule of administrative fines of not more than \$1,000 for lesser violations of any provision of NRS 486A.010 to 486A.180, inclusive, or any regulation adopted pursuant thereto.

3. Action pursuant to subsection 1 or 2 is not a bar to enforcement of the provisions of NRS 486A.010 to 486A.180,



inclusive, and any regulations adopted pursuant thereto, by injunction or other appropriate remedy. The Commission or the Director of the Department may institute and maintain in the name of the State of Nevada any such enforcement proceeding.

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

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

486A.200 Authority of State Department of Conservation and Natural Resources to develop and carry out program; education of members of general public; definitions.

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

(a) The program administered by the Department; and

(b) The benefits of using clean vehicles and motor vehicles that use alternative fuels.

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

3. As used in this section:

(a) "Clean vehicle" has the meaning ascribed to it in NRS 486A.035.

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

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

