

Amendment No. 861

Senate Amendment to Assembly Bill No. 349 Second Reprint	(BDR 43-58)
Proposed by: Senate Committee on Finance	
Amendment Box: Replaces Amendment No. 844.	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) 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.



ASSEMBLY BILL NO. 349—ASSEMBLYMAN WATTS

MARCH 22, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing motor vehicles. (BDR 43-58)

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 motor vehicles; revising provisions that govern an owner of an Old Timer vehicle, classic rod or classic car, including providing that such vehicles are exempt from the provisions governing the control of emissions from engines as long as they are not used for general transportation and further providing that such vehicles which are used for general transportation shall not be issued special license plates, except in certain situations, and instead must comply with the provisions governing the control of emissions from engines; authorizing ~~approved inspectors to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations; authorizing~~ the Department of Motor Vehicles to ~~establish a remote sensing system to test the emissions from motor vehicles operating in certain counties;~~ ***impose by regulation a fee of not more than \$2 for the issuance and renewal of a license to inspect motor vehicles and devices for the control of pollution for certain additional locations;*** exempting a new motor vehicle from emissions testing for the first 3 years of the life of the motor vehicle and then requiring that emissions testing be conducted on new motor vehicles annually after the fourth registration of the motor vehicle; ~~requiring the State Environmental Commission to provide for issuing certain waivers to the owner of a motor vehicle who performs repairs on the motor vehicle under certain circumstances;~~ requiring certain fees charged for certain electronic monitoring programs to be equal in amount to the fee charged for forms certifying emission control compliance; authorizing certain boards of county commissioners to impose an additional fee for certain actions; ***requiring the Department to collect the additional fee on behalf of the county and distribute to the county any money obtained as a result of the additional fee;*** requiring any money received from such an additional fee to be used ***by the county*** to support certain programs that seek to reduce emissions from a motor vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes special license plates and registration certificates to be issued to residents of Nevada for antique motor vehicles that qualify as Old Timer vehicles, classic rods or classic vehicles. (NRS 482.381, 482.3814, 482.3816) Existing law provides that such vehicles are exempt from certain regulations governing exhaust emissions, fuel evaporative emissions and visible emissions of smoke from certain engines if the owner of the vehicle certifies to the Department of Motor Vehicles that the vehicle was not driven more than 5,000 miles during the immediately preceding year. (NRS 445B.760) **Sections 1, 3 and 4** of this bill provide that such motor vehicles must not be used for general transportation, defined as being driven more than 5,000 miles during the immediately preceding year, but may be used for club activities, exhibitions, tours, parades or similar activities and for such other uses as are necessary for the operation and maintenance of the vehicle. **Sections 1, 3 and 4** provide that such motor vehicles not used for general transportation are exempt from the provisions governing the control of emissions from engines and that, if the owner of such a motor vehicle elects to use the motor vehicle for general transportation, he or she: (1) shall not be issued special license plates or a registration certificate; and (2) must comply with the provisions governing the control of emissions from engines. Existing law requires that such vehicles being used for general transportation and required to comply with the provisions governing the control of emissions from engines which fail the emissions test shall not be issued the special license plates for a period of 90 days after failing the emissions test. (NRS 482.2655) **Sections 1, 3 and 4** provide that this 90-day period is an exception to the prohibition for issuing a special license plate to a vehicle that is used for general transportation.

Sections 1, 3 and 4 require for the issuance of special license plates and a registration certificate for an Old Timer vehicle, classic rod or classic vehicle that the motor vehicle must have proof satisfactory to the Department that the vehicle is covered by insurance that: (1) is designed or designated specifically for classic or antique vehicles; or (2) includes an endorsement that is designed or designated specifically for classic or antique vehicles.

Existing law provides that an approved inspector is a person who is licensed by the Department to inspect motor vehicles and devices for the control of pollution for an authorized station or authorized inspection station. (NRS 445B.705) ~~Existing law provides that: (1) an authorized inspection station is a station that is licensed to inspect vehicles and devices for emissions; and (2) an authorized station is a station that is licensed to inspect vehicles and devices for emissions and is also licensed to install, repair and adjust such devices. (NRS 445B.710, 445B.720) Existing regulations provide that for an authorized inspection station or a class 1 fleet station which only tests exhaust emissions to be licensed, the station must employ at least one: (1) class 1 approved inspector who is licensed only to test exhaust emissions; or (2) class 2 approved inspector who is licensed to test exhaust emissions and to diagnose, repair and service devices for the control of exhaust emissions. (NAC 445B.4096 445B.4098, 445B.462) Existing regulations provide that for an authorized station or a class 2 fleet station which tests exhaust emissions and diagnoses, repairs and services devices for the control of exhaust emissions to be licensed, the station must employ at least one approved inspector who is licensed to test exhaust emissions and to diagnose, repair and service devices for the control of exhaust emissions. (NAC 445B.4096, 445B.4098, 445B.462) Sections 6 and 7 of this bill require the regulations adopted by the State Environmental Commission and the Department for the licensing of such stations to authorize any approved inspector who is licensed: (1) only to test exhaust emissions to work at any authorized inspection station, any authorized station or any class of fleet station or multiple locations of such stations, provided that the approved inspector only tests exhaust emissions; and (2) to test exhaust emissions and to diagnose, repair and service devices for the control of exhaust emissions to work at any authorized inspection station, any authorized station or any class of fleet station or multiple locations of such stations.~~

Existing law authorizes the Department, in a county whose population is 100,000 or more ~~(currently Clark and Washoe Counties), to conduct a test of the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the emissions standards. (NRS 445B.798) Section 8 of this bill authorizes the Department, in a county whose population is 100,000 or more, to establish a remote sensing system to test the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the emissions standards. If the Department establishes such a remote sensing system, section 8 requires the Department to~~

adopt regulations: (1) to carry out the remote sensing system; (2) that provide how a person may register to participate in the remote sensing system, including requiring the person to pay a fee; and (3) that allow for the collection of data from the remote sensing system for use by the Department and other agencies of this State.] Existing law requires the Department, in cooperation with the State Environmental Commission, to adopt regulations which provide for any fee, bond or insurance which is necessary to carry out the provisions governing the control of emissions from engines. (NRS 445B.785) Existing regulations establish a \$25 fee for the initial issuance and biennial renewal of an inspector's license. If an inspector who has paid the \$25 fee wishes to be licensed at one or more locations in addition to the location for which the initial license was issued, existing regulations provide that the fee for the issuance and biennial renewal of an inspector's license for each additional location is \$10. (NAC 445B.499) Section 7 of this bill caps the fee for the issuance and renewal of an inspector's license for each additional location at \$2.

Existing law requires the State Environmental Commission, in cooperation with the Department and any local air pollution control agency, to adopt regulations for the control of emissions from motor vehicles in areas designated by the Commission that are in any county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 445B.770) Existing law also authorizes the Commission to exempt designated classes of motor vehicles, including classes based upon the year of manufacture of motor vehicles, from having to comply with the emissions standards. (NRS 445B.825) Existing regulations exempt new motor vehicles from compliance with emissions standards until the third registration of the vehicle, which is the first 2 years of the life of the motor vehicle. (NAC 445B.592) **Section 9** of this bill exempts new motor vehicles from the test of emissions conducted by the Department until the fourth registration of the vehicle, which is the first 3 years of the life of the motor vehicle, and requires the Department to conduct the test annually after the fourth registration of the motor vehicle. Finally, **section 9** makes a technical change to reference a federal regulation relating to the exemption afforded to hybrid electric vehicles. **Sections 5 and 8** of this bill make conforming changes.

~~[— Existing law requires the Commission to: (1) provide for a waiver from having to comply with the provisions governing the control of emissions from engines if compliance involves repair and equipment costs which exceed the limits set by the Commission; and (2) establish such limits in a manner which avoids unnecessary financial hardship to motor vehicle owners. (NRS 445B.825) Section 9 requires the Commission to provide for a waiver in such situations if the vehicle is repaired by the owner of the vehicle and clarifies that such repairs include: (1) the owner purchasing parts for the repair of the vehicle; (2) the owner buying equipment for the repair of the vehicle; and (3) the owner performing labor for the repair of the vehicle.]~~

Existing law requires certain fees to be paid to the Department and accounted for in the Pollution Control Account where a program governing the control of emissions from engines is commenced. Existing law requires a fee of \$6 for each form issued to a fleet station. (NRS 445B.830) Existing law authorizes the Commission, in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to adopt regulations to establish a voluntary program of electronic monitoring of emission information from certain vehicles. Existing law requires the Department to charge an annual fee of \$6 for each vehicle electronically monitored in such a manner. (NRS 445B.767) **Section 5.5** of this bill instead requires the Department to charge an annual fee that is equal in amount to the fee for each form issued to a fleet station.

Existing law requires a board of county commissioners, if the board is authorized to impose an additional fee for each form certifying emission control compliance, to ensure that 2 percent of any such fee is retained as a commission by the authorized station or authorized inspection station that performs the inspection pursuant to which the form certifying emission control compliance is issued. (NRS 445B.834) **Section 10.5** of this bill authorizes the board of county commissioners for a county whose population is 100,000 or more (currently Clark and Washoe Counties) to impose by ordinance an additional fee for ~~[—(1)]~~ each form certifying emission control compliance. ~~[— and (2) the issuance and annual renewal of a license for an authorized inspection station, authorized station or fleet station.]~~ **Section 10.5 requires a board that imposes such an additional fee to notify the Department for the purposes of collecting and distributing the fee. Section 10.3 of this bill requires the Department: (1) upon receiving such a notification, to collect the additional fee on behalf of the county; (2) to account separately for the additional fee in the Pollution Control Account; and (3)**

to make quarterly distributions to each applicable county of money equal to the amount of the additional fees that were collected on behalf of the county. Section 10.5 provides that, if such an additional fee is imposed, the board shall use the money received from the additional fee to support the programs of local air pollution control agencies to reduce emissions from a motor vehicle with at least 50 percent of such money being used to support the programs of local air pollution control agencies to reduce emissions from a motor vehicle for the benefit of historically underserved communities. Section 10.5 additionally removes a requirement that a board of county commissioners ensure that 2 percent of any such fee is retained as a commission by the authorized station or authorized inspection station that performs the inspection pursuant to which the form certifying emission control compliance is issued.

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

Section 1. NRS 482.381 is hereby amended to read as follows:

482.381 1. Except as otherwise provided in ~~NRS 482.2655~~, **subsection 4**, the Department may issue special license plates and registration certificates to residents of Nevada for any motor vehicle which ~~is~~:

(a) *Is a model manufactured more than 40 years before the date of application for registration pursuant to this section ~~is~~; and*

(b) *Has proof satisfactory to the Department that the vehicle is covered by insurance that meets the requirements of NRS 485.185 and that:*

(1) *Is designed or designated specifically for a classic or antique vehicle;*
or

(2) *Includes an endorsement designed or designated specifically for classic or antique vehicles.*

2. *Except as otherwise provided in subsection 4, any vehicle issued special license plates and a registration certificate pursuant to subsection 1 shall not be used for general transportation but may be used for:*

(a) *Club activities, exhibitions, tours, parades or similar activities; and*

(b) *Such other uses that are necessary for the operation and maintenance of the vehicle.*

3. *A vehicle that complies with subsection 2 is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive.*

4. *If the owner of the vehicle elects to use the vehicle for general transportation, he or she:*

(a) *Except as otherwise provided in NRS 482.2655, shall not be issued special license plates and a registration certificate pursuant to subsection 1; and*

(b) *Shall comply with the provisions of NRS 445B.770 to 445B.815, inclusive.*

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

~~3-1~~ 6. The Nevada Old Timer Club members shall bear the cost of the dies for carrying out the provisions of this section.

~~4-1~~ 7. 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

~~5-1~~ 8. In addition to the fees required pursuant to subsection ~~4-1~~ 7, the Department shall charge and collect a fee for the first issuance of the license plates

for those motor vehicles exempted pursuant to ~~paragraph (b) of subsection 1 of NRS 445B.760~~ **subsection 3** 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.

~~16.1~~ **9.** Fees paid to the Department pursuant to subsection ~~15.1~~ **8** must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed in accordance with subsection 6 of NRS 445B.830.

10. *As used in this section, "general transportation" means a vehicle that is:*

- (a) Driven more than 5,000 miles during the immediately preceding year; or*
- (b) Used in any capacity for commercial purposes.*

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. Except as otherwise provided in ~~NRS 482.2655.1~~ **subsection 4**, 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 ~~1.1~~ **; and**

(c) Having proof satisfactory to the Department that the vehicle is covered by insurance that meets the requirements of NRS 485.185 and that:

(1) Is designed or designated specifically for a classic or antique vehicle;

or

(2) Includes an endorsement designed or designated specifically for classic or antique vehicles.

2. *Except as otherwise provided in subsection 4, any vehicle issued special license plates and a registration certificate pursuant to subsection 1 shall not be used for general transportation but may be used for:*

(a) Club activities, exhibitions, tours, parades or similar activities; and

(b) Such other uses that are necessary for the operation and maintenance of the vehicle.

3. *A vehicle that complies with subsection 2 is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive.*

4. *If the owner of the vehicle elects to use the vehicle as general transportation, he or she:*

(a) Except as otherwise provided in NRS 482.2655, shall not be issued special license plates and a registration certificate pursuant to subsection 1; and

(b) Shall comply with the provisions of NRS 445B.770 to 445B.815, inclusive.

5. Except as otherwise provided in subsection ~~13.1~~ **6**, 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.

~~13.1~~ **6.** A person may request personalized prestige license plates issued pursuant to NRS 482.3667 instead of a special license plate issued pursuant to subsection ~~12.1~~ **5** if that person pays the fees for the personalized prestige license plates in addition to the fees required pursuant to this section.

~~14.1~~ **7.** If, during a registration year, the holder of special plates issued pursuant to subsection ~~12.1~~ **5** or ~~13.1~~ **6** 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.

~~15.1~~ 8. 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.

~~16.1~~ 9. In addition to the fees required pursuant to subsection ~~15.1~~ 8, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to ~~paragraph (b) of subsection 1 of NRS 445B.760~~ subsection 3 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.

~~17.1~~ 10. Fees paid to the Department pursuant to subsection ~~16.1~~ 9 must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed in accordance with subsection 6 of NRS 445B.830.

11. *As used in this section, "general transportation" means a vehicle that is:*

(a) Driven more than 5,000 miles during the immediately preceding year; or

(b) Used in any capacity for commercial purposes.

Sec. 4. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. Except as otherwise provided in ~~NRS 482.2655.1~~ subsection 4, 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 ~~1.1~~; and

(d) Having proof satisfactory to the Department that the vehicle is covered by insurance that meets the requirements of NRS 485.185 and that:

(1) Is designed or designated specifically for a classic or antique vehicle; or

(2) Includes an endorsement designed or designated specifically for classic or antique vehicles.

2. *Except as otherwise provided in subsection 4, any vehicle issued special license plates and a registration certificate pursuant to subsection 1 shall not be used for general transportation but may be used for:*

(a) Club activities, exhibitions, tours, parades or similar activities; and

(b) Such other uses that are necessary for the operation and maintenance of the vehicle.

3. *A vehicle that complies with subsection 2 is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive.*

4. *If the owner of the vehicle elects to use the vehicle as general transportation, he or she:*

(a) Except as otherwise provided in NRS 482.2655, shall not be issued special license plates and a registration certificate pursuant to subsection 1; and

(b) Shall comply with the provisions of NRS 445B.770 to 445B.815, inclusive.

5. Except as otherwise provided in subsection ~~13.1~~ 6, 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.

~~6. A person may request personalized prestige license plates issued pursuant to NRS 482.3667 instead of a special license plate issued pursuant to subsection 5 if that person pays the fees for the personalized prestige license plates in addition to the fees required pursuant to this section.~~

~~7. If, during a registration period, the holder of special plates issued pursuant to subsection 5 or 6 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.

~~8. 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.~~

~~9. In addition to the fees required pursuant to subsection 8, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to paragraph (b) of subsection 1 of NRS 445B.760 subsection 3 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.~~

~~10. Fees paid to the Department pursuant to subsection 9 must be accounted for in the Pollution Control Account created by NRS 445B.830 and distributed in accordance with subsection 6 of NRS 445B.830.~~

11. As used in this section, "general transportation" means a vehicle that is:

(a) Driven more than 5,000 miles during the immediately preceding year; or

(b) Used for any capacity for commercial purposes.

Sec. 5. NRS 482.461 is hereby amended to read as follows:

~~1. Except as otherwise provided in subsection 3 of NRS 445B.825, if the test conducted pursuant to NRS 445B.798 indicates that a motor vehicle which is registered in a county whose population is 100,000 or more does not comply with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto, the Department shall mail to the registered owner of the vehicle a notice that the vehicle has failed the test.~~

~~2. The notice must include:~~

~~(a) The information set forth in subsection 3;~~

~~(b) A written statement which contains the results of the test conducted pursuant to NRS 445B.798; and~~

~~(c) Any other information the Department deems necessary.~~

~~3. The Department shall rescind and cancel the registration of any motor vehicle which fails the test conducted pursuant to NRS 445B.798, unless within 30 days after the notice is mailed by the Department pursuant to subsection 2, the registered owner of the vehicle:~~

~~(a) Has the vehicle inspected by an authorized station or authorized inspection station to determine whether the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto; and~~

~~(b) Provides to the Department evidence of compliance issued by the authorized station or authorized inspection station certifying that the vehicle~~

complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto.

4. The registered owner of the vehicle shall pay the cost of the inspection required pursuant to subsection 3.

5. 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.

Sec. 5.5. NRS 445B.767 is hereby amended to read as follows:

445B.767 1. In any county whose population is 100,000 or more, the Commission may, in cooperation with the Department of Motor Vehicles and any local air pollution control agency, adopt regulations to establish a voluntary program of electronic monitoring of emission information, from vehicles equipped with onboard diagnostic equipment that permits such monitoring, for the purposes of compliance with this chapter.

2. The Department of Motor Vehicles shall charge an annual fee ~~of \$6~~ **that is equal in amount to the fee imposed pursuant to paragraph (c) of subsection 1 of NRS 445B.830** for each vehicle electronically monitored pursuant to subsection 1. Fees collected by the Department pursuant to this section must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 6. ~~NRS 445B.775 is hereby amended to read as follows:~~

~~445B.775 1. The regulations adopted by the Commission pursuant to NRS 445B.770 must establish requirements by which the Department of Motor Vehicles may license:~~

~~— [1.] (a) Authorized inspection stations, including criteria by which any person may become qualified to inspect devices for the control of emissions for motor vehicles. The regulations adopted by the Commission pursuant to NRS 445B.770 must provide that a facility licensed as an authorized inspection station:~~

~~— [(a)] (1) Except as otherwise provided in [paragraph (b)], subparagraph (2), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions;~~

~~— [(b)] (2) May perform the following activities in connection with a motor vehicle:~~

~~— [(1)] (i) The changing of oil;~~

~~— [(2)] (ii) The replacing of an oil filter, air filter, fuel filter, belt or hose; and~~

~~— [(3)] (iii) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources;~~

~~— [2.] (b) Authorized stations, including criteria by which any person may become qualified to inspect, repair, adjust and install devices for the control of emissions for motor vehicles;~~

~~2. The regulations adopted by the Commission pursuant to NRS 445B.770 must authorize any approved inspector who is licensed by the Department of Motor Vehicles:~~

~~— (a) Only to test exhaust emissions to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations. Such an inspector shall not diagnose, repair or service devices for the control exhaust emissions at any such station;~~

~~— (b) To test exhaust emissions and diagnose, repair and service devices for the control of exhaust emissions to work at any authorized inspection station;~~

~~authorized station or any class of fleet station or multiple locations of such stations.~~ **(Deleted by amendment.)**

Sec. 7. NRS 445B.785 is hereby amended to read as follows:

445B.785 1. The Department of Motor Vehicles shall, in cooperation with the Commission, adopt regulations which:

(a) Prescribe requirements for licensing authorized inspection stations, authorized stations and fleet stations. The regulations adopted pursuant to this paragraph must provide that a facility licensed as an authorized inspection station:

(1) Except as otherwise provided in subparagraph (2), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.

(2) May perform the following activities in connection with a motor vehicle:

(I) The changing of oil;

(II) The replacing of an oil filter, air filter, fuel filter, belt or hose; and

(III) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(b) Prescribe the manner in which authorized inspection stations, authorized stations and fleet stations inspect motor vehicles and issue evidence of compliance.

(c) Prescribe the diagnostic equipment necessary to perform the required inspection. The regulations must ensure that:

(1) The equipment complies with any applicable standards of the United States Environmental Protection Agency; and

(2) Use of the equipment is specifically authorized by the Commission.

(d) Provide for any fee, bond or insurance which is necessary to carry out the provisions of NRS 445B.700 to 445B.815, inclusive.

(e) Provide for the issuance of a pamphlet for distribution to owners of motor vehicles. The pamphlet must contain information explaining the reasons for and the methods of the inspections.

2. The Department of Motor Vehicles shall issue a copy of the regulations to each authorized inspection station, authorized station and fleet station.

3. ~~[The] If an approved inspector who has paid a fee for the initial issuance of a license to inspect motor vehicles and devices for the control of pollution wishes to be licensed at one or more locations in addition to the location for which the initial issuance of the license was applicable, the regulations adopted by the Department of Motor Vehicles pursuant to this section must [authorize any approved inspector who is licensed by the Department of Motor Vehicles,~~

~~— (a) Only to test exhaust emissions to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations. Such an inspector shall not diagnose, repair or service devices for the control exhaust emissions at any such station.~~

~~— (b) To test exhaust emissions and diagnose, repair and service devices for the control of exhaust emissions to work at any authorized inspection station, authorized station or any class of fleet station or multiple locations of such stations.] not impose a fee greater than \$2 for the issuance and renewal of the license for each additional location.~~

Sec. 8. NRS 445B.798 is hereby amended to read as follows:

445B.798 ~~§§~~

~~1.] Notwithstanding subsection 3 of NRS 445B.825, [and except as otherwise provided in subsection 2,] in~~ a county whose population is 100,000 or more, the Department of Motor Vehicles may conduct a test of the emissions from a motor vehicle which is being operated on a highway in that county to determine

whether the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto.

~~2. As an alternative to the test of the emissions authorized to be conducted pursuant to subsection 1, in a county whose population is 100,000 or more, the Department of Motor Vehicles may establish a remote sensing system to test the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto. If the Department of Motor Vehicles establishes a remote sensing system pursuant to this subsection, the Department of Motor Vehicles shall adopt regulations:~~

~~(a) As necessary for carrying out the remote sensing system, including, without limitation, the implementation and enforcement of the remote sensing system and the control of quality assurance of the remote sensing system;~~

~~(b) That provide the procedure for a person to register to participate in the remote sensing system, including, without limitation, requiring the person to pay a fee that is equivalent to any fee charged by the Department of Motor Vehicles for conducting a test of the emissions from a motor vehicle pursuant to subsection 1; and~~

~~(c) That allow for the collection of data from the remote sensing system. The Department of Motor Vehicles and any other agency of this State may use the data collected from the remote sensing system, so long as the information of a person who participates in the remote sensing system is not disclosed to the public.~~

~~3. As used in this section, "remote sensing system" means an emissions profiling system that uses remote sensing devices (RSD) on a highway in a county whose population is 100,000 or more to identify the emissions from a motor vehicle.~~

Sec. 9. NRS 445B.825 is hereby amended to read as follows:

445B.825 1. The Commission may provide for exemption from the provisions of NRS 445B.770 to 445B.815, inclusive, of designated classes of motor vehicles, including, without limitation, classes based upon the year of manufacture of motor vehicles.

2. A hybrid electric vehicle, as defined in 40 C.F.R. § ~~186.1702-99,~~ **86.1803-01**, is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive, until the model year of the vehicle is 6 years old.

3. **A new motor vehicle is exempt from the test conducted pursuant to NRS 445B.798 and the provisions of NRS 445B.770 to 445B.815, inclusive, until the fourth registration of the motor vehicle. If the Department of Motor Vehicles conducts a test pursuant to NRS 445B.798, the Department of Motor Vehicles shall conduct the test pursuant to NRS 445B.798 to determine whether the motor vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto, annually after the fourth registration of the motor vehicle.**

4. The Commission shall provide for a waiver from the provisions of NRS 445B.770 to 445B.815, inclusive, if compliance ~~is~~

~~(a) Compliance~~ involves repair and equipment costs which exceed the limits established by the Commission. The Commission shall establish the limits in a manner which avoids unnecessary financial hardship to motor vehicle owners. ~~It or~~

~~(b) The following applies:~~

~~(1) Compliance involves repair and equipment costs which exceed the limits established by the Commission; and~~

~~(2) The vehicle is repaired by the owner of the vehicle. Such repairs by the owner of the vehicle include, without limitation:~~

~~(I) The owner purchasing parts for the repair of the vehicle;~~
~~(II) The owner buying equipment for the repair of the vehicle; and~~
~~(III) The owner performing labor on the vehicle for the repair of the vehicle.~~
~~→ The Commission shall establish the limits referenced in this section in a manner which avoids unnecessary financial hardship to motor vehicle owners.~~

5. As used in this section, "new motor vehicle" means a motor vehicle that has never been registered with the Department of Motor Vehicles and has never been registered with the appropriate agency or authority of any other state, the District of Columbia, any territory or possession of the United States or a foreign state, province or country.

Sec. 10. (Deleted by amendment.)

Sec. 10.3. 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 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 station6

2. Except as otherwise provided in subsection 6, and after deduction of the amounts distributed pursuant to ~~subsection~~ subsections 4, 6 and 7, money in the Pollution Control Account may, pursuant to legislative appropriation or with the approval of the Interim Finance Committee, be expended by the following agencies in the following order of priority:

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

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

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

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

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

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

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

5. Each local air pollution control agency that receives money pursuant to subsections 4 ~~and~~ 6 and 7 shall, not later than 45 days after the end of the fiscal year in which the money is received, submit to the Director of the Legislative

Counsel Bureau for transmittal to the Interim Finance Committee a report on the use of the money received.

6. The Department of Motor Vehicles shall make annual distributions of excess money in the Pollution Control Account to local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air. The distributions of excess money made to local air pollution control agencies in a county pursuant to this subsection must be made in an amount proportionate to the number of forms issued in the county pursuant to subsection 1 and an amount proportionate to the amount of fees paid in the county pursuant to NRS 482.381, 482.3812, 482.3814 and 482.3816. As used in this subsection, "excess money" means:

(a) 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~~ subsections 4 and 7 and any disbursements made from the Account pursuant to subsection 2; and

(b) The money deposited in the Pollution Control Account by the Department of Motor Vehicles pursuant to NRS 482.381, 482.3812, 482.3814 and 482.3816.

7. If a board of county commissioners imposes an additional fee pursuant to subsection 1 of NRS 445B.834, the Department of Motor Vehicles shall:

(a) Upon receiving the notification pursuant to subsection 2 of NRS 445B.834, collect the additional fee on behalf of the county and account separately for money from the additional fee in the Pollution Control Account; and

(b) Make quarterly distributions of the money in the Pollution Control Account attributable to each county whose board of county commissioners imposed the additional fee. The distributions made pursuant to this subsection must be equal to the amount of money collected on behalf of the county pursuant to the additional fee imposed by the board of county commissioners of the county.

8. 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.

Sec. 10.5. NRS 445B.834 is hereby amended to read as follows:

445B.834 1. ~~The board of county commissioners of a county whose population is 100,000 or more may by ordinance impose an additional fee for~~

~~(a) Each~~ each form certifying emission control compliance, ~~it~~ and

~~(b) The issuance and annual renewal of a license for an authorized inspection station, authorized station or fleet station.~~

2. If a board of county commissioners imposes an additional fee pursuant to subsection 1, the board of county commissioners shall notify the Department of Motor Vehicles for the purposes of collecting and distributing the additional fee pursuant to subsection 7 of NRS 445B.830.

3. If a board of county commissioners imposes an additional fee pursuant to subsection 1, the board shall:

(a) Subject to the provisions of paragraph (b), use any money received from the additional fee to support the programs of local air pollution control agencies to reduce emissions from a motor vehicle; and

(b) Allocate at least 50 percent of any money received from the additional fee to support the programs of local air pollution control agencies to reduce emissions from a motor vehicle for the benefit of historically underserved communities.

~~(3) If the board of county commissioners of a county is authorized to impose an additional fee for each form certifying emission control compliance, or the board of county commissioners imposes an additional fee for each form certifying emission control compliance pursuant to subsection 1, as applicable, the board shall ensure that 2 percent of any such fee it imposes is retained as a commission by the authorized station or authorized inspection station that performs the inspection pursuant to which the form certifying emission control compliance is issued.~~

~~2.1~~ 4. As used in this section ~~1, "additional"~~ :

(a) "Additional fee" does not include any fee that is imposed pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 445B.830.

(b) "Block" means the smallest geographical unit whose boundaries were designated by the Bureau of the Census of the United States Department of Commerce in its topographically integrated geographic encoding and referencing system.

(c) "Block group" means a combination of blocks whose numbers begin with the same digit.

(d) "Census tract" means a combination of block groups.

(e) "Historically underserved community" means:

(1) A census tract:

(I) Designated as a qualified census tract by the United States Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or

(II) In which, in the immediately preceding census, at least 20 percent of households were not proficient in the English language;

(2) A community in this State with at least one public school:

(I) In which 75 percent or more of the enrolled pupils in the school are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.; or

(II) That participates in universal meal service in high poverty areas pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296; or

(3) A community in this State located on qualified tribal land, as defined in NRS 370.0325.

Sec. 11. (Deleted by amendment.)

Sec. 11.5. 1. This section and sections 2, 5 to 9, inclusive, 10.3, 10.5 and 11 of this act, become effective on October 1, 2021.

2. Section 10 of this act becomes effective on January 1, 2022.

3. Sections 1, 3 and 4 of this act become effective on January 1, 2023.