

SENATE BILL NO. 49—COMMITTEE ON NATURAL RESOURCES

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

PREFILED NOVEMBER 16, 2022

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to the control of
emissions. (BDR 40-230)

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 air pollution; authorizing the State
Environmental Commission to adopt standards and other
requirements for the control of emissions from new motor
vehicles and new motor vehicle engines that are identical
to the standards and requirements adopted by the State of
California; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Environmental Commission to prescribe by
regulation standards for exhaust emissions, fuel evaporative emissions and visible
emissions of smoke from mobile internal combustion engines on the ground and in
the air. Any such standards must be approved by the Department of Motor
Vehicles. (NRS 445B.760) Existing federal law authorizes a state to, under certain
circumstances, adopt and enforce model year standards relating to the control of
emissions from new motor vehicles and new motor vehicle engines if such
standards are identical to the standards adopted by the State of California. (42
U.S.C. § 7507) **Section 1** of this bill: (1) authorizes the Commission to prescribe by
regulation standards and other requirements for the control of emissions from new
motor vehicles and new motor vehicle engines that are identical to the State of
California in accordance with federal law; and (2) requires the Commission to
define certain terms in any such regulations adopted by the Commission. **Section 3**
of this bill makes conforming changes to allow the Commission to define the term
“passenger car” for the purposes of any such regulations adopted by the
Commission.



Existing law authorizes the Department of Motor Vehicles to impose an administrative fine for violations relating to emissions standards and enforce any requirements relating to such standards adopted by the Commission. (NRS 445B.835) **Section 1** instead authorizes: (1) the Commission to impose administrative fines for a violation of the emissions standards adopted by the Commission for the control of emissions from new motor vehicles and new motor vehicle engines; and (2) the State Department of Conservation and Natural Resources to enforce any requirements adopted by the Commission relating to such standards. **Section 6** of this bill makes conforming changes to transfer the authority to impose administrative fines and enforce such standards.

Existing law provides that: (1) it is unlawful for a person to commit certain violations and take certain actions relating to the control of emissions; and (2) such violations and actions are subject to criminal penalties. (NRS 445B.840, 445B.845) **Section 1** provides that a violation of the provisions of **section 1** and any regulation or order adopted or issued pursuant thereto is not subject to criminal penalties. **Sections 7 and 8** of this bill make conforming changes to provide that such actions are not subject to criminal penalties.

Sections 2, 4 and 5 of this bill make conforming changes to indicate the proper placement of the provisions of **section 1** in the Nevada Revised Statutes and to establish certain exceptions to existing law.

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

Section 1. Chapter 445B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission may by regulation prescribe standards and other requirements for the control of emissions from new motor vehicles and new motor vehicle engines in accordance with 42 U.S.C. § 7507.

2. If regulations are adopted by the Commission pursuant to subsection 1, such regulations must define the following terms:

(a) "Light-duty truck";

(b) "Medium-duty motor vehicle";

(c) "Medium-duty passenger vehicle";

(d) "New motor vehicle" and "new motor vehicle engine" consistent with the definitions set forth in 42 U.S.C. § 7550; and

(e) "Passenger car."

3. The Commission may impose an administrative fine, not to exceed \$10,000 per day and \$25,000 per vehicle, for a violation of any provision of this section and any regulation or order adopted or issued pursuant thereto. Any person fined pursuant to this section is entitled to a hearing after reasonable notice in accordance with NRS 233B.121.

4. Any administrative fine collected by the Commission pursuant to subsection 3 must be deposited with the State Treasurer for credit to the Pollution Control Account.



5. The State Department of Conservation and Natural Resources may:

(a) Compel compliance with the provisions of this section and any regulation or order adopted or issued pursuant thereto, by injunction or other appropriate remedy; and

(b) Institute and maintain in the name of the State of Nevada any enforcement proceedings.

6. A person who violates the provisions of this section or any regulation or order adopted or issued pursuant thereto is not subject to any criminal penalty for such a violation.

Sec. 2. NRS 445B.700 is hereby amended to read as follows:

445B.700 As used in NRS 445B.700 to 445B.845, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in NRS 445B.705 to 445B.7585, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 445B.750 is hereby amended to read as follows:

445B.750 "Passenger car" ~~has the meaning ascribed to it in NRS 484A.160.~~ **means, except as otherwise provided in section 1 of this act and any regulations adopted pursuant thereto, any motor vehicle, except a motorcycle or motor-driven cycle, designed for carrying 10 passengers or less and used for the transportation of persons.**

Sec. 4. NRS 445B.759 is hereby amended to read as follows:

445B.759 1. The provisions of NRS 445B.700 to 445B.845, inclusive, **and section 1 of this act** do not apply to:

(a) Military tactical vehicles;

(b) Replica vehicles; or

(c) Retired military vehicles registered pursuant to NRS 482.3817.

2. As used in this section:

(a) "Military tactical vehicle" means a motor vehicle that is:

(1) Owned or controlled by the United States Department of Defense or by a branch of the Armed Forces of the United States; and

(2) Used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) "Replica vehicle" means any passenger car or light-duty motor vehicle which:

(1) Has a body manufactured after 1967 which is made to resemble a vehicle of a model manufactured before 1968;

(2) Has been altered from the original design of the manufacturer or has a body constructed from materials which are not original to the vehicle;



(3) Is maintained solely for occasional transportation, including exhibitions, club activities, parades, tours or other similar uses; and

(4) Is not used for daily transportation.

➤ The term does not include a vehicle which has been restored to its original design by replacing parts or a retired military vehicle registered pursuant to NRS 482.3817.

(c) "Retired military vehicle" has the meaning ascribed to it in NRS 482.3817.

Sec. 5. NRS 445B.760 is hereby amended to read as follows:

445B.760 1. ~~[The]~~ *Except as otherwise provided in section 1 of this act, 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) A moped registered pursuant to NRS 482.2155; and

(b) A 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.

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]~~ *Except as otherwise provided in section 1 of this act, 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. 6. NRS 445B.835 is hereby amended to read as follows:

445B.835 *Except as otherwise provided in section 1 of this act:*

1. The Department of Motor Vehicles may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of NRS 445B.700 to 445B.845, inclusive, *and section 1 of this act*, or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined



1 an opportunity for a hearing pursuant to the provisions of
2 NRS 233B.121.

3 2. All administrative fines collected by the Department
4 pursuant to subsection 1 must be deposited with the State Treasurer
5 for credit to the Pollution Control Account.

6 3. In addition to any other remedy provided by NRS 445B.700
7 to 445B.845, inclusive, *and section 1 of this act*, the Department
8 may compel compliance with any provision of NRS 445B.700 to
9 445B.845, inclusive, *and section 1 of this act*, and any rule,
10 regulation or order adopted or issued pursuant thereto, by injunction
11 or other appropriate remedy and the Department may institute and
12 maintain in the name of the State of Nevada any such enforcement
13 proceedings.

14 **Sec. 7.** NRS 445B.840 is hereby amended to read as follows:

15 445B.840 ~~HH~~ *Except as otherwise provided in section 1 of*
16 *this act*, it is unlawful for any person to:

17 1. Possess any unauthorized evidence of compliance;

18 2. Make, issue or use any imitation or counterfeit evidence of
19 compliance;

20 3. Willfully and knowingly fail to comply with the provisions
21 of NRS 445B.700 to 445B.815, inclusive, or any regulation adopted
22 by the Department of Motor Vehicles; or

23 4. Issue evidence of compliance if he or she is not a licensed
24 inspector of an authorized inspection station, authorized station or
25 fleet station.

26 **Sec. 8.** NRS 445B.845 is hereby amended to read as follows:

27 445B.845 1. ~~IA~~ *Except as otherwise provided in section 1*
28 *of this act*, a violation of any provision of NRS 445B.700 to
29 445B.845, inclusive, relating to motor vehicles, or any regulation
30 adopted pursuant thereto relating to motor vehicles, is a
31 misdemeanor. The provisions of NRS 445B.700 to 445B.845,
32 inclusive, or any regulation adopted pursuant thereto, must be
33 enforced by any peace officer.

34 2. Satisfactory evidence that the motor vehicle or its equipment
35 conforms to those provisions or regulations, when supplied by the
36 owner of the motor vehicle to the Department of Motor Vehicles
37 within 10 days after the issuance of a citation pursuant to subsection
38 1, may be accepted by the court as a complete or partial mitigation
39 of the offense.

40 **Sec. 9.** 1. Any administrative regulations adopted by an
41 officer or an agency whose name has been changed or whose
42 responsibilities have been transferred pursuant to the provisions of
43 this act to another officer or agency remain in force until amended
44 by the officer or agency to which the responsibility for the adoption
45 of the regulations has been transferred.



2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

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

Sec. 10. This act becomes effective upon passage and approval.

