

**PROPOSED REGULATION OF THE
DEPARTMENT OF MOTOR VEHICLES**

LCB FILE NO. R070-17I

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VEHICLES**

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

AUTHORITY: §1, NRS 445B.770, NRS 445B.800

A REGULATION relating to Inspection of vehicle: Procedure for certain vehicles with model year of 1995 or older and heavy-duty vehicles with model year of 1996 or newer.

NAC 445B.580 Inspection of vehicle: Procedure for certain vehicles with model year of 1995 or older and heavy-duty vehicles with model year of 1996 or newer. (NRS 445B.785)

1. Except as otherwise provided in subsection 4, the provisions of this section apply to inspections of:

- (a) All motor vehicles with a model year of 1968 to 1995, inclusive; and
- (b) With regard to motor vehicles with a model year of 1996 or newer, all heavy-duty motor vehicles.

2. After the owner or operator of a motor vehicle subject to the provisions of this section requests an inspection, an approved inspector shall follow the sequence of prompts displayed by the exhaust gas analyzer when conducting the inspection. While the vehicle is at normal operating temperature, the inspector shall connect the exhaust gas analyzer to the vehicle following the sequence of instructions programmed into the analyzer. The probe of the analyzer must be placed in the exhaust pipe of the vehicle. With the engine speed increased to 2,500 revolutions per minute, a steady level of carbon monoxide and hydrocarbons must be recorded by the analyzer. The engine speed must be returned to idle and a steady level of carbon monoxide and hydrocarbons must be recorded. If the vehicle is equipped with dual exhaust pipes, a test must be completed on both exhaust pipes and the average level of carbon monoxide and hydrocarbons must be recorded when the engine speed is increased to 2,500 revolutions per minute and when the engine speed is returned to idle.

3. The inspector shall visually inspect:

- (a) The exhaust system to determine whether or not there is smoke when idling and at 2,500 revolutions per minute; and
- (b) The engine to determine whether or not there are blowby gases from the crankcase when idling and at 2,500 revolutions per minute.

4. The inspector shall:

(a) Visually inspect:

(1) All motor vehicles subject to the provisions of this section to determine the presence of a properly installed gas cap *that appears to be sealing properly to prevent the escape of fumes and liquid from the fuel tank(s)*; and

(2) Each motor vehicle with a model year of 1981 to 1995, inclusive, and, with regard to motor vehicles with a model year of 1996 or newer, each heavy-duty motor vehicle, to determine the presence

of an exhaust gas recirculation system, catalytic converter, air injection system and fuel inlet *restrictor restricter*, and to determine whether that equipment appears to be operating in accordance with the specifications of the manufacturer of the vehicle; and

(b) Enter the results of the visual inspection into the analyzer.

5. The inspector shall complete each test and issue a vehicle inspection report indicating whether or not the vehicle passes the inspection.

6. The inspector shall issue a vehicle inspection report indicating that the vehicle did not pass the inspection if:

(a) The emissions from the vehicle exceed the maximum levels for carbon monoxide or hydrocarbons, or both, as prescribed in NAC 445B.596;

(b) Smoke or blowby is visible; or

(c) The vehicle does not meet the requirements of NAC 445B.579.

7. If a motor vehicle subject to the provisions of this section passes all portions of an inspection but has an improper gas cap or no gas cap, the owner or operator of the motor vehicle shall obtain a gas cap which is in accordance with the specifications of the manufacturer of the vehicle. *The motorist shall present the vehicle for re-inspection if the vehicle has failed an inspection for an improper gas or fuel cap. Re-inspections shall be conducted at either a test station or the Department's Emission Control Lab. The An approved* inspector *or a technician at the Department's Emission Control Lab* shall inspect the new gas cap and certify its presence in a manner prescribed by the Department, and sign and date the failing vehicle inspection report beneath the gas cap tamper description. Such a vehicle inspection report may be used as evidence of compliance.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 12-28-89; A 5-17-90; 8-19-94; 9-13-95; R079-98, 9-25-98; A by Dep't of Motor Veh. by R178-01, 8-21-2002; R068-05, 6-1-2006, eff. 9-1-2006)

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AUTHORITY: §1, NRS 445B.770, NRS 445B.800

A REGULATION relating to testing of certain motor vehicles powered by diesel engines:
Procedure; certificate of compliance; effect of failure; lack of proper fuel cap.

NAC 445B.589 Testing of certain motor vehicles powered by diesel engines: Procedure; certificate of compliance; effect of failure; lack of proper fuel cap. ([NRS 445B.210](#), [445B.770](#), [445B.785](#))

1. An inspector shall comply with the following procedure when testing a light-duty motor vehicle that is powered by a diesel engine or a heavy-duty motor vehicle that is powered by a diesel engine and has a manufacturer's gross vehicle weight rating which does not exceed 14,000 pounds:

(a) The test procedure must include, without limitation, a preparation phase, a tampering inspection phase and an opacity test phase.

(b) In the preparation phase:

(1) The vehicle must be placed on a dynamometer, the transmission must be placed in neutral and the vehicle must be properly restrained to prevent any rolling motion.

(2) The inspector may place an auxiliary cooling fan into position approximately 12 inches in front of the cooling system of the motor vehicle.

(3) The inspector shall then affix a smoke opacity meter which has been calibrated and zeroed to the exhaust system of the vehicle according to the recommendations of the manufacturer of the meter. Vehicles with dual exhaust configurations must have the smoke opacity meter attached to the exhaust pipe displaying the highest observed opacity.

(4) If an exhaust removal system is used, it must be installed so that all of the exhaust from the vehicle being tested is passed through the smoke opacity meter.

(c) In the tampering inspection phase, the inspector shall visually inspect:

(1) All vehicles with a model year of 1981 or newer to ensure that all equipment for emission control which is listed on the manufacturer's emission label is present and appears to be operational; and

(2) All vehicles to verify the presence of a properly installed fuel cap *that appears to be sealing properly to prevent the escape of fumes and liquid from the fuel tank(s)*.

(d) During the opacity test phase, the inspector shall:

(1) Verify that the vehicle is at normal operating temperature before beginning the test. If the vehicle has cooled down below its normal operating temperature during its placement on the dynamometer, it must be operated until its normal operating temperature is reached.

(2) Test vehicles with varying engine sizes under the following speed and load conditions:

Number of Cylinders	Speed (± 4 miles per hour)	Load (± 1 horsepower)
4	40	7.0
6	40	15.0
8	40	30.0

(3) Maintain the required speed and load condition on the vehicle being tested for 10 seconds. The engine opacity must be stored and printed at the end of the 10-second interval.

2. The inspector shall issue a certificate of compliance indicating the results of the test. The printout from the opacity meter must be provided with the certificate of compliance. The test is complete if the vehicle passes the tampering inspection phase and the results of the opacity test phase comply with the standards set forth in [NAC 445B.576](#). A vehicle which exceeds the opacity standards or which fails the tampering inspection phase must be considered to have failed the inspection, and the inspector shall issue a certificate of compliance reflecting the failure.

3. A vehicle which fails the tampering inspection phase or the opacity test must be repaired and retested.

4. If a motor vehicle subject to the provisions of this section passes all portions of an inspection but has an improper fuel cap or no fuel cap, the owner or operator of the motor vehicle shall obtain a fuel cap which is in accordance with the specifications of the manufacturer of the vehicle. ***The motorist shall present the vehicle for re-inspection if the vehicle has failed an inspection for an improper gas or fuel cap. Re-inspections shall be conducted at either a test station or the Department of Motor Vehicles Emission Control Lab. The*** ~~The~~ ***An approved inspector or a technician with the Department of Motor Vehicles Emission Control Lab*** shall inspect the new fuel cap and certify its presence in a manner prescribed by the Department, and sign and date the failing vehicle inspection report beneath the fuel cap tamper description. Such a vehicle inspection report may be used as evidence of compliance.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-10-92; A by R079-98, 9-25-98; A by Dep't of Motor Veh. by R068-05, 6-1-2006, eff. 9-1-2006; A by Environmental Comm'n by R130-09, 1-28-2010)

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AUTHORITY: §1, NRS 445B.770, NRS 445B.800

A REGULATION relating to the Pollution Control Account; revising provisions governing local air pollution control agencies; eligibility, application, period of time, reporting, termination and prerequisites for grants.

~~NAC 445B.859 – Eligibility for grant. (NRS 445B.830) – An agency is eligible for a grant from the money allocated for grants in subsection 6 of NRS 445B.830 if the agency meets the requirements of that subsection and is:~~

- ~~—1. Responsible for preparing and submitting an implementation plan pursuant to 42 U.S.C. § 7407;~~
- ~~or~~
- ~~—2. Responsible for monitoring air pollution and enforcing air pollution control regulations.~~
- ~~— (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A 5-26-92; A by Dep't of Motor Veh. by R135-05, 2-23-2006)~~

~~NAC 445B.861 – Application for grant: Submission; contents. (NRS 445B.830)~~

- ~~—1. An application for a grant must be submitted to the Deputy Director of the Department of Motor Vehicles, the Administrator of the Division of Environmental Protection and the Chair of the Committee not later than April 1 preceding the fiscal year for which the grant is requested.~~
- ~~—2. The application must:~~
 - ~~—(a) Contain the name and address of the agency making the application;~~
 - ~~—(b) Contain the name and telephone number of any person responsible for coordinating the proposed project or, if there is no such person, the chief administrative officer of the applicant;~~
 - ~~—(c) Specify the fiscal year for which the grant is requested;~~
 - ~~—(d) State the specific objectives of the request;~~
 - ~~—(e) Contain a description of the manner in which the request is related to the improvement of air quality;~~
 - ~~—(f) Contain a statement of the work that is planned to be performed; and~~
 - ~~—(g) Set forth a program budget, itemized under applicable categories of expenditures, including, without limitation, professional services, personnel, travel, operating expenses and equipment.~~
- ~~— (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A 5-26-92; A by Dep't of Motor Veh. by R135-05, 2-23-2006)~~

~~NAC 445B.863 — Application for grant: Action by Committee. (NRS 445B.830)~~

~~—1. The Chair of the Committee shall schedule a meeting of the Committee not later than April 15 preceding the fiscal year for which the grant is requested.~~

~~—2. The Committee shall review the application at the meeting scheduled pursuant to subsection 1 and determine:~~

~~—(a) Whether the applicant is eligible for a grant;~~

~~—(b) Whether the request is related to the improvement of air quality;~~

~~—(c) The merit of the project; and~~

~~—(d) The likelihood of success of the project.~~

~~—3. Based upon its determinations, the Committee shall recommend that the application be approved as submitted, that it be approved with specified changes or that it be denied.~~

~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A by Dep't of Motor Veh. by R135-05, 2-23-2006)~~

~~NAC 445B.865 — Application for grant: Consideration of Committee's recommendation; submission to Interim Finance Committee; agreement concerning grant. (NRS 445B.830)~~

~~—1. The recommendation of the Committee concerning an application must be transmitted by the Chair of the Committee to the Deputy Director of the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection not later than 5 working days after the Committee conducted the review of the application pursuant to NAC 445B.863.~~

~~—2. The Administrator of the Division of Environmental Protection shall consider the recommendation of the Committee and shall approve the application, disapprove it or approve it pending revision of the application. The Administrator shall transmit his or her decision to the Deputy Director of the Department of Motor Vehicles not later than 10 working days after he or she receives the recommendation of the Committee.~~

~~—3. The Deputy Director of the Department of Motor Vehicles shall consider the recommendation of the Committee and shall approve the application, disapprove it or approve it pending revision of the application.~~

~~—4. If both the Deputy Director of the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection approve an application, the Deputy Director shall cause the proposed grant to be submitted for approval by the Interim Finance Committee.~~

~~—5. If the Interim Finance Committee approves the grant, the Deputy Director of the Department of Motor Vehicles shall enter into an agreement with the recipient of the grant, specifying the terms and conditions under which the grant is made.~~

~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A by Dep't of Motor Veh. by R135-05, 2-23-2006)~~

~~NAC 445B.867 — Period of grant; return of unexpended money; authorization to expend money for additional fiscal year. (NRS 445B.830)~~

~~—1. A grant must be awarded for a period of 2 fiscal years.~~

~~—2. Except as otherwise provided in subsection 4, if any money from a grant remains unexpended at the end of the period for which the grant is made, the recipient shall return any unexpended money to the Department of Motor Vehicles.~~

~~—3. Not later than 60 days before the expiration of the period authorized for the expenditure of money from a grant, the recipient of a grant may submit a request in writing to the Deputy Director of~~

the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection for authorization to expend money from a grant for an additional fiscal year. The request must include:

- (a) The name and address of the recipient submitting the request;
 - (b) The name and telephone number of any person responsible for coordinating the project or, if there is no such person, the chief administrative officer of the recipient;
 - (c) The reasons for which the request is submitted;
 - (d) A statement specifying the fiscal year during which the grant was originally awarded;
 - (e) A statement specifying the amount of work remaining on the project; and
 - (f) A statement specifying the amount of money that remains unexpended from the original grant.
- 4. If both the Deputy Director of the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection approve a request submitted pursuant to subsection 3, the Deputy Director, the Administrator and the recipient of the grant may enter into a written agreement authorizing the recipient to expend money from a grant for an additional fiscal year.
- (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A by Dep't of Motor Veh. by R135-05, 2-23-2006)

~~NAC 445B.869 — Quarterly reports by recipient of grant. (NRS 445B.830)~~

- 1. The recipient of a grant shall, during each fiscal year for which the grant is made, submit to the Deputy Director of the Department of Motor Vehicles quarterly reports on the status of the project supported by the grant. These reports are due no later than 45 days after October 1, January 1, April 1 and July 1, respectively.
- 2. Each report must, for the preceding quarter:
- (a) Contain a statement that sets forth:
 - (1) The date on which the request for the grant was approved by the Committee;
 - (2) The date on which the funding for the grant was approved by the Interim Finance Committee;
 - (3) The total amount of the money approved for the grant;
 - (4) The amount of money expended during each quarter since the approval of the grant; and
 - (5) The amount of money remaining unexpended from the grant;
 - (b) Contain a description of progress made toward completion of the stated objectives of the project;
 - (c) Include a narrative summary of noteworthy accomplishments and problems encountered in connection with the project;
 - (d) Contain an itemized list of approved expenditures, shown by budget category, that have been made; and
 - (e) Be accompanied by original invoices or other acceptable evidence of these expenditures.
- 3. Each report may be accompanied by:
- (a) Graphic or tabular displays;
 - (b) Media reports concerning the project; or
 - (c) Other related materials related to the project, such as papers prepared for professional meetings, published articles or brochures.
- (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A by Dep't of Motor Veh. by R135-05, 2-23-2006)

~~NAC 445B.871 — Termination of grant or suspension of payments; denial of or refusal to consider application for grant. (NRS 445B.830)~~

- 1. The Deputy Director of the Department of Motor Vehicles may terminate a grant or suspend payments of money pursuant to the grant for any of the following reasons, among others:

- ~~—(a) Failure or refusal of the recipient of the grant to submit any report required by NAC 445B.869;~~
- ~~—(b) Failure or refusal of the recipient to provide any information or assistance required in connection with any audit; or~~
- ~~—(c) Misuse or use for a nonapproved purpose of any money from the grant.~~
- ~~—2. The Deputy Director of the Department of Motor Vehicles may deny or refuse to consider an application for a grant made by a person who has previously violated any term or condition of a grant or of the provisions of NAC 445B.850 to 445B.871, inclusive.~~
 - ~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A by Dep't of Motor Veh. by R135-05, 2-23-2006)~~

~~**NAC 445B.873 — Prerequisites to award of grant. (NRS 445B.830)**~~

- ~~—1. Except as otherwise provided in subsection 2, the Department of Motor Vehicles shall award grants from the Pollution Control Account in accordance with subsection 6 of NRS 445B.830 if the Account contains sufficient money for this purpose.~~
- ~~—2. The Department of Motor Vehicles shall not award a grant from the Pollution Control Account for a proposed project or program unless the project or program is designed to improve or maintain the quality of air.~~
 - ~~—(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 5-26-92; A by Dep't of Motor Veh. by R135-05, 2-23-2006)~~