

**PROPOSED REGULATION OF THE
STATE SEALER OF CONSUMER EQUITABILITY**

LCB FILE NO. R081-201

**The following document is the initial draft regulation proposed
by the agency submitted on 06/15/2020**

Purpose: To permanently amend Nevada Administrative Code Chapter 590 as follows:

- 1) To update the prices to purchase various ASTM International specifications.**
- 2) To update the title of a cited ASTM International volume.**
- 3) To update and add department office addresses where volumes and specifications are available for review.**
- 4) To establish civil penalties for violation of the provisions of NRS 590.160 through NRS 590.320, inclusive.**

Effective date: Upon approval and filing with the Secretary of State.

CHAPTER 590 - MOTOR VEHICLE FUEL, PETROLEUM PRODUCTS AND ANTIFREEZE

ANTIFREEZE

Section 1

NAC 590.010 Adoption by reference of standard specifications for antifreeze; availability of standards for inspection and purchase. (NRS 590.400)

1. The specifications for antifreeze based on ethylene glycol and the specifications for antifreeze based on propylene glycol, including, without limitation, prediluted and concentrated antifreeze, contained in the most recent version of ASTM D3306, “Standard Specification for Glycol Base Engine Coolant for Automobile and Light-Duty Service,” set forth in Volume 15.05, “Engine Coolants and Related Fluids; Halogenated Organic Solvents and Fire Extinguishing Agents~~[-; Industrial and Specialty Chemicals]~~,” of the *Annual Book of ASTM Standards* published by ASTM International are hereby adopted by reference. Each new revision of that standard shall be deemed approved by the State Sealer of Consumer Equitability unless the revision is disapproved by the State Sealer of Consumer Equitability or his or her designee within 120 days after the date of publication of the revision by ASTM International. A copy of the standard is available for inspection pursuant to NAC 590.045 and may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania, 19428-2959, or at the Internet address <http://www.astm.org>, for the price of \$~~[46]~~50.

2. Any other test method may be used if the State Sealer of Consumer Equitability determines that another method produces results equivalent to the results of the specified method. A method approved by ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.

[Dep’t of Agriculture, No. 90.30, eff. 5-1-73] — (NAC A 3-17-86; 8-9-94; A by St. Sealer of Weights & Measures by R149-98, 12-14-98; R200-01, 5-31-2002; A by St. Sealer of Consumer Equitability by R107-15, 3-10-2016)

Section 2

NAC 590.035 Availability of Volume 15.05, “Engine Coolants and Related Fluids; Halogenated Organic Solvents and Fire Extinguishing Agents~~[-; Industrial and Specialty Chemicals]~~,” of *Annual Book of ASTM Standards*. (NRS 590.400) Volume 15.05, “Engine Coolants and Related Fluids; Halogenated Organic Solvents and Fire Extinguishing Agents~~[-; Industrial and Specialty Chemicals]~~,” of the *Annual Book of ASTM Standards*, is available for

inspection at the ~~[office]~~offices of the State Department of Agriculture, Division of Consumer Equitability, ~~[2150 Frazer Avenue]~~**405 South 21st Street**, Sparks, Nevada 89431, ~~[and]~~ 2300 ~~[McLeod Street]~~**East Saint Louis Avenue**, Las Vegas, Nevada 89104, **and 4780 East Idaho Street, Elko, Nevada 89801**. The volume may be purchased at a cost of \$~~[190]~~**204** for a printed copy and \$~~[256]~~**269** for an electronic copy from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, or at the Internet address <http://www.astm.org>.

(Added to NAC by Bd. of Agriculture, eff. 8-9-94; A by St. Sealer of Weights & Measures by R149-98, 12-14-98; R200-01, 5-31-2002; A by St. Sealer of Consumer Equitability by R107-15, 3-10-2016)

FUELS

Section 3

NAC 590.045 Availability of copies of standards adopted by reference. (NRS 590.070, 590.073, 590.100) A copy of each standard adopted by reference pursuant to NAC 590.041 to 590.070, inclusive, is available for inspection at the offices of the State Department of Agriculture, **Division of Consumer Equitability**, located at 405 South 21st Street, Sparks, Nevada 89431, ~~[and]~~ 2300 ~~[McLeod Street]~~**East Saint Louis Avenue**, Las Vegas, Nevada 89104, **and 4780 East Idaho Street, Elko, Nevada 89801**.

(Added to NAC by St. Sealer of Weights & Measures, eff. 3-5-90; A by Dep't of Agriculture, 3-27-92; A by St. Sealer of Weights & Measures, 11-18-93; A by Bd. of Agriculture, 8-9-94; R145-98, 12-14-98; A by St. Sealer of Weights & Measures by R149-98, 12-14-98; A by Bd. of Agriculture by R176-01, 5-31-2002; R106-10, 2-20-2013)

Section 4

NAC 590.055 Aviation fuel: Adoption by reference of standard specifications. (NRS 590.073, 590.100)

1. The State Sealer of Consumer Equitability hereby adopts by reference the most recent ~~[specifications for aviation fuel]~~**version of the following standards** contained in ~~[Volume 05.01, "Petroleum Products and Lubricants (I)," of]~~ the *Annual Book of ASTM Standards* ~~[,]~~:

(a) ASTM ~~[designations]~~ D910, "Standard Specification for Leaded Aviation Gasolines," and

(b) **ASTM** D1655, "Standard Specification for Aviation Turbine Fuels."

↳ Each new revision of these standards shall be deemed approved by the State Sealer of Consumer Equitability unless the revision is disapproved by the State Sealer of Consumer Equitability or his or her designee within 120 days after the date of publication of the revision by ASTM International. A copy of the standards are available for inspection pursuant to NAC 590.045 and may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania, 19428-2959, or at the Internet address <http://www.astm.org>, for the price of \$~~[46]~~**50** for ASTM D910 and \$~~[67]~~**56** for ASTM D1655.

2. Any other test method may be used if the State Sealer of Consumer Equitability determines that another method produces results equivalent to the results of the specified method. A method approved by ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.

(Added to NAC by St. Sealer of Weights & Measures, eff. 3-5-90; A 11-18-93; R149-98, 12-14-98; R200-01, 5-31-2002; A by St. Sealer of Consumer Equitability by R107-15, 3-10-2016)

Section 5

NAC 590.0X0 is hereby added as follows:

NAC 590.0X0 Violations: Notice of warning; civil penalties. (NRS 590.322) Violations of the provisions of NRS 590.160 through 590.320, inclusive, are subject to the following:

- 1. Except as otherwise provided in subsection 2, for a first violation, the Division will impose a civil penalty of not less than \$25 and not more than \$100.*
- 2. If the Division determines that a first violation was unintentional, the Division will issue a notice of warning to the person who committed the violation, without imposing a civil penalty. The notice of warning must be in writing and set forth:
 - (a) The statute or regulation that was violated;*
 - (b) The action necessary to remedy the violation; and*
 - (c) The time by which the person must remedy the violation to avoid the imposition of a civil penalty. Failure to remedy the violation by the time set forth in the notice constitutes a second violation.**
- 3. For a second violation, the Division will impose a civil penalty of not less than \$50 and not more than \$500.*
- 4. For a third or subsequent violation, the Division will impose a civil penalty of not less than \$100 and not more than \$1,000.*