

**ADOPTED REGULATION OF THE
DEPARTMENT OF MOTOR VEHICLES**

LCB File No. R178-01

Effective August 21, 2002

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

AUTHORITY: §§1-13, NRS 445B.785.

Section 1. Chapter 445B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Certified on-board diagnostic system” means a computer system which is contained within the vehicle and which is certified by the United States Environmental Protection Agency to be fully capable of monitoring all the sensors and actuators in the drivetrain of the vehicle to determine whether the sensors and actuators are working as intended.*

Sec. 3. 1. *The provisions of this section apply to inspections of light-duty motor vehicles with a model year of 1996 or newer.*

2. After the owner or operator of a motor vehicle subject to the provisions of this section requests an inspection, the inspector shall:

- (a) Turn the ignition switch to the off position for at least 12 seconds.*
- (b) Locate the data-link connector for the vehicle and connect the test equipment.*
- (c) Visually inspect the operation of the malfunction illumination light while turning the ignition switch to the run position with the engine off.*

(d) Start the vehicle and, with the engine running, establish communication with the certified on-board diagnostic system installed in the vehicle.

(e) Visually inspect the vehicle to determine whether the malfunction illumination light is commanded on.

(f) Review the emission readiness code status.

(g) Retrieve all data trouble codes that are present.

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

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

(a) The vehicle has a malfunction illumination light that fails to illuminate during a visual inspection while the ignition switch is turned to the run position with the engine off;

(b) The vehicle has its malfunction illumination light commanded on continuously;

(c) The vehicle has a data-link connector that is missing, has been tampered with or is inoperable, including related electrical circuitry;

(d) There is no serial data communication from the certified on-board diagnostic system installed in the vehicle;

(e) The vehicle has a model year of 2001 or newer and has more than one unset readiness indicator;

(f) The vehicle has a model year of 1996 to 2000, inclusive, and has more than two unset readiness indicators; or

(g) Smoke is visible in the exhaust emissions from the vehicle with the engine speed at idle.

Sec. 4. NAC 445B.401 is hereby amended to read as follows:

445B.401 As used in NAC 445B.400 to 445B.735, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 445B.403 to 445B.4556, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 445B.4553 is hereby amended to read as follows:

445B.4553 “Vehicle inspection report” means a certificate that ~~is:~~

~~1. Printed~~ :

1. Is issued by an approved inspector in a test station; and

2. If the vehicle inspection report concerns a motor vehicle subject to the provisions of NAC 445B.580, is printed by an exhaust gas analyzer connected to the state electronic data transmission system. ~~;~~ ~~and~~

~~2. Issued by an approved inspector in a test station.]~~

Sec. 6. NAC 445B.460 is hereby amended to read as follows:

445B.460 1. No person may engage in the business of issuing evidence of compliance unless he holds a current license to operate a test station at an established place of business and holds one or both of the ratings set forth in subsection 3.

2. A license that:

(a) Was issued for a test station before September 25, 1998, expires on September 30 of each calendar year.

(b) Is issued on or after September 25, 1998, expires 1 year after the last day of the month in which the license was originally issued.

3. A test station shall obtain from the department:

(a) A “G” rating if it will be testing the exhaust emissions of gasoline-powered motor vehicles. A test station with a “G” rating shall , *when conducting inspections of motor vehicles subject to the provisions of NAC 445B.580*, use an exhaust gas analyzer that complies with the equipment specifications published by the department for this rating and at least one approved inspector who has a “G” rating to perform the exhaust emissions tests.

(b) A “D” rating if it will be testing the exhaust emissions of light-duty diesel motor vehicles. A test station with a “D” rating shall , *when conducting inspections of motor vehicles subject to the provisions of NAC 445B.589*, use an exhaust gas analyzer that complies with the requirements of NAC 445B.587 and at least one approved inspector who has a “D” rating to perform the exhaust emissions tests.

4. A facility which holds a license as an authorized inspection station or class 1 fleet station may test exhaust emissions but shall not perform any installation, repair or adjustment to devices that affect exhaust emissions, except the:

- (a) Changing of oil; and
- (b) Replacement of an oil filter, air filter, fuel filter, belt or hose.

5. A person licensed to operate a test station shall not own or hold any ownership interest whatsoever in any business which manufactures, sells, repairs, rents or leases any exhaust gas analyzers approved by the department for the testing of exhaust emissions.

6. A person or business which manufactures, sells, repairs, rents or leases any exhaust gas analyzers approved by the department for the testing of exhaust emissions shall not own or hold any ownership interest whatsoever in any business licensed to operate a test station.

7. An authorized inspection station or class 1 fleet station must not be located immediately adjacent to any business which services or repairs motor vehicles unless:

- (a) The facility for the station is physically separated from the adjacent facility;
- (b) The facility for the station and the adjacent facility have separate entrances for customers and do not share any common doors or entries between the facilities;
- (c) The adjacent facility has no access to the physical space in which testing occurs at the facility for the station;
- (d) No employee of the adjacent facility is employed by the station; and
- (e) The facility for the station and the adjacent facility have separate mailing addresses.

Sec. 7. NAC 445B.463 is hereby amended to read as follows:

445B.463 1. Each of the following acts, omissions and conditions may constitute a ground for the denial of an application for a license to operate a test station or for the revocation or suspension of such a license:

- (a) Failure of the applicant or licensee to have an established place of business in this state.
- (b) Material misstatement on the application.
- (c) Unfitness of the applicant or licensee, which includes, without limitation, a pattern of payment to the department with checks that are returned because of insufficient funds.
- (d) The conviction of the applicant or licensee of a felony in this or any other state, any territory of the United States or in any other nation.
- (e) The conviction of the applicant or licensee for violating any provision of NAC 445B.400 to 445B.735, inclusive ~~H~~, *and sections 2 and 3 of this regulation.*
- (f) The conviction of the applicant or licensee for violating any provisions of chapter 598 of NRS relating to deceptive trade practices.
- (g) Refusing to allow an agent of the department to inspect, during normal business hours, all books, records and files of the test station which are kept within this state. The department will

treat the financial records and information obtained from an investigation as confidential and will reveal such records or information only to persons involved in the enforcement or administration of the regulations of the department, or as otherwise required by law.

(h) Commission of any fraudulent act, including, without limitation:

(1) Misrepresentation of a material fact in any manner, whether intentional or grossly negligent; and

(2) An intentional failure to disclose a material fact.

(i) Willful failure to comply with any regulation of the department.

2. In addition to the acts, omissions and conditions set forth in subsection 1, any attempt to alter the readings obtained during a test of exhaust emissions or to modify or remove the data obtained by an exhaust gas analyzer *or a certified on-board diagnostic system* may constitute a ground for the revocation or suspension of a license to operate a test station.

3. An applicant or licensee may not reapply for a license after its denial, revocation or suspension by the department:

(a) Until he has taken an action which removes the ground for the denial, revocation or suspension; or

(b) Within 1 year after the denial, revocation or suspension,
FLUSH whichever occurs first.

4. When the department determines that a licensee has engaged in conduct which is egregious or poses a serious risk to the public safety, the department may, in its discretion, permanently revoke the license of that licensee.

Sec. 8. NAC 445B.5052 is hereby amended to read as follows:

445B.5052 1. ~~[Before February 1, 2002, a test station which holds a license that was issued before January 31, 2001, shall use a Nevada 94 exhaust gas analyzer or an NV2000 exhaust gas analyzer to perform an inspection.~~

~~—2.— A test station which holds a license that was issued on or after January 31, 2001, shall use an NV2000 exhaust gas analyzer to perform an inspection.~~

~~—3.— On and after February 1, 2002, a]~~ A test station shall use an NV2000 exhaust gas analyzer to perform an inspection [;

~~—4.— On and after February 1, 2001, the]~~ *of a motor vehicle subject to the provisions of NAC 445B.580.*

2. *The* department will not enroll an exhaust gas analyzer unless it is an NV2000 exhaust gas analyzer.

Sec. 9. NAC 445B.580 is hereby amended to read as follows:

445B.580 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.

~~[2.]~~ 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; and

(2) Each motor vehicle with a model year of 1981 ~~for newer~~ *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 valve, catalytic converter, air injection system and fuel inlet restricter, and 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 inspector 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.

Sec. 10. NAC 445B.581 is hereby amended to read as follows:

445B.581 **1.** An inspection may be performed only at the established place of business by an approved inspector . ~~using~~

2. *An inspection of a motor vehicle subject to the provisions of NAC 445B.580 must be performed using* an exhaust gas analyzer which is approved by the department . ~~and which is the appropriate type of exhaust gas analyzer for the test station pursuant to NAC 445B.5052.]~~

Sec. 11. NAC 445B.596 is hereby amended to read as follows:

445B.596 **1.** ~~[A]~~ *Each* motor vehicle powered by gasoline ~~which is~~ *with* a model year of 1968 ~~for later and~~ *to 1995, inclusive, and, with regard to motor vehicles with a model year of*

1996 or newer, each heavy-duty motor vehicle powered by gasoline, that is subject to an inspection pursuant to NAC 445B.593, 445B.594 or 445B.595 ~~§~~ must not have:

(a) Smoke in its emissions from its exhaust or crankcase when the prescribed procedure for the testing is used.

(b) Carbon monoxide or hydrocarbon, or both, in its emissions from its exhaust in excess of the limits set forth in subsection 3 or 4.

2. The measurements required by subsection 1 must be made with an approved exhaust gas analyzer and under the prescribed procedure. The engine must be at normal operating temperature, but if it has been operating at an idle for more than 5 minutes, it must be purged before the measurement is taken.

3. The following standards apply to light-duty motor vehicles ~~§~~ *subject to subsection 1:*

| Model Year | Maximum CO% | Maximum HC(PPM) |
|--|----------------|--------------------|
| 1968-1969 | 4.0 | 800 |
| 1970-1974 | 3.5 | 700 |
| 1975-1978 | 2.5 | 500 |
| 1979-1980 | 2.0 | 500 |
| 1981 and newer <i>1981-1995</i> | 1.2 | 220 |

4. The following standards apply to heavy-duty motor vehicles ~~§~~ *subject to subsection 1:*

| Model Year | Maximum CO% | Maximum HC(PPM) |
|----------------|----------------|--------------------|
| 1968-1969 | 7.0 | 1400 |
| 1970-1978 | 6.0 | 1400 |
| 1979 | 5.0 | 1000 |
| 1980 | 4.0 | 1000 |
| 1981 and newer | 3.5 | 1000 |

Sec. 12. Notwithstanding the provisions of section 3 of this regulation and NAC 445B.580 to the contrary, if a light-duty motor vehicle with a model year of 1996 or newer is inspected pursuant to section 3 of this regulation on or before December 31, 2002, and does not pass the inspection, the inspector shall inspect the vehicle pursuant to NAC 445B.580 and issue a vehicle inspection report pursuant to that section indicating whether or not the vehicle passes the inspection.

Sec. 13. NAC 445B.4047 and 445B.4325 are hereby repealed.

TEXT OF REPEALED SECTIONS

445B.4047 “Authorized maintenance station” defined. “Authorized maintenance station” has the meaning ascribed to it in NRS 445B.715.

445B.4325 “Loaded mode emissions test” defined. “Loaded mode emission test” means an emissions inspection in which a motor vehicle is tested for exhaust emissions under conditions simulating on-road driving.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R178-01**

The Department of Motor Vehicles adopted regulations assigned LCB File No. R178-01 which pertain to chapter 445B of the Nevada Administrative Code on July 11, 2002.

Notice date: 5/25/2002
Hearing date: 6/26/2002

Date of adoption by agency: 7/11/2002
Filing date: 8/21/2002

INFORMATIONAL STATEMENT

The Department of Motor Vehicles noticed and held workshops on March 13, 2002 in Reno, Nevada and on April 8, 2002 in Las Vegas, Nevada. Public Hearings were held on June 26, 2002 in Reno, Nevada and on June 27, 2002 in Las Vegas, Nevada. These Workshops and Hearings were held to solicit opinions regarding the adoption of Regulations, concerning LCB File No. R178-01.

The proposed regulations amend chapter 445B of the Nevada Administrative Code to allow the department to implement an emission testing program known as On Board Diagnostics (OBD II). All light duty gasoline powered vehicles of model year 1996 and newer shall be tested by Nevada Licensed Emission Stations for the purpose of vehicle registration.

The notice of Workshops and Public Hearings and complete copies of the proposed permanent regulation were posted on or before February 13, 2002 and May 26, 2002 at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. In each county where the Department does not maintain an office, the notice was posted at the main office of the public library.

Public hearings were held on June 26, 2002 in Reno and June 27, 2002 in Las Vegas. There were four individuals who attended the hearing in Reno to provide testimony on June 27, 2002. One of the suggestions brought up by Brian Keraly and Peter Krueger was not to wait until the first of the year to implement OBD as Pass or Fail.

The Department will adopt the permanent regulation with the following changes:

Section 2. Language amended to change a vehicle's computer system terminology from "OBDII on-board system" to "Certified on-board diagnostic system".

Section 3 (4) Added specific date as to when an inspector shall issue a failed vehicle inspection report for "certified on-board diagnostics inspection.

Section 3(4)(E)(F)(G) Added additional reasons for an emission failure due to a "certified on-board diagnostic system" malfunction.

Section 11 Added language to specify definition of vehicle year models affected.

Section 11 (3) Added language to specify definition of affected vehicle type.

There are no adverse economic effects of this regulation to the Department, local authorities or the public.

There are no other state or government regulations, which the proposed regulation duplicates.