

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

LCB File No. R137-10

August 10, 2010

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

AUTHORITY: §§1 and 2, NRS 445B.785.

A REGULATION relating to air controls; revising requirements for access to the state electronic data transmission system by an approved inspector of emissions; and providing other matters properly relating thereto.

Section 1. NAC 445B.493 is hereby amended to read as follows:

445B.493 1. Except as otherwise provided in subsection 3, if an approved inspector's license has been revoked for cause, the person may not reapply for an approved inspector's license for 1 year after the date of revocation.

2. The approved inspector's license which has been revoked must be surrendered to the Department.

3. The Department will permanently revoke the license of an approved inspector who willfully or negligently:

(a) Issues or assists in the issuance of evidence of compliance which contains fraudulent information.

(b) Conspires or causes to be produced evidence of compliance which contains fraudulent information.

4. An applicant for an approved inspector's license who has been denied a license may not reapply for a license after denial:

- (a) Until he has taken an action which removes the ground for the denial; or
- (b) Within 1 year after the denial,

↳ whichever first occurs.

5. If the Department determines that an approved inspector engages in egregious conduct or conduct that poses a serious risk to the public safety, the Department may, in its discretion, permanently revoke the license of the approved inspector.

6. As used in this section:

(a) “Egregious conduct” includes, without limitation, using a motor vehicle that meets the standards for emission control for the purpose of fraudulently issuing a certificate of compliance for another motor vehicle that does not meet such standards.

(b) “Fraudulent information” includes, without limitation:

- (1) A backdated document;
- (2) A postdated document;
- (3) A document based on anything other than the actual physical inspection of the vehicle for which the evidence of compliance was issued; or
- (4) A certificate of compliance issued by a person wrongfully utilizing the identification number, ~~[or]~~ access code *or password* of an approved inspector.

Sec. 2. NAC 445B.4983 is hereby amended to read as follows:

445B.4983 1. In addition to the identification number assigned to each approved inspector, the Department will issue to each approved inspector a unique and confidential access code. *The approved inspector must use the access code to access the state electronic data transmission system and follow the instructions to create a password.* The access code *and*

password will enable the approved inspector to ~~activate,~~ access and input data into the exhaust gas analyzer located at the test station where he is employed.

2. An approved inspector, including, without limitation, the operator of a test station, shall not willfully or negligently allow any person to use his identification number , ~~or~~ access code *or password* to:

- (a) Activate, access or input data into the exhaust gas analyzer; or
- (b) Issue a certificate of compliance.