

ASSEMBLY BILL NO. 36—COMMITTEE ON NATURAL RESOURCES,  
AGRICULTURE, AND MINING

PREFILED JANUARY 31, 2003

Referred to Committee on Natural Resources,  
Agriculture, and Mining

SUMMARY—Revises provisions relating to control of emissions  
from engines of certain motor vehicles.  
(BDR 40-196)

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.

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AN ACT relating to air pollution; revising provisions governing the program established by the State Environmental Commission for the regulation of smoke and other emissions by inspection of certain heavy-duty motor vehicles; revising provisions relating to the inspection and testing of certain motor vehicles; prohibiting certain branch offices and agents of the Department of Motor Vehicles from registering certain motor vehicles; eliminating the requirement that certain standards for petroleum products adopted by the State Board of Agriculture be similar to those of the State of California; exempting military tactical vehicles from requirements relating to the control of emissions from engines; and providing other matters properly relating thereto.

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

1     **Section 1.** Chapter 445B of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this  
3 act.

4     **Sec. 2.** *“Heavy-duty motor vehicle” means, except as*  
5 *otherwise provided in NRS 445B.780, a motor vehicle that has a*



\* A B 3 6 R 1 \*

1 *manufacturer's gross vehicle weight rating of 8,500 pounds or*  
2 *more. The term does not include a passenger car.*

3 **Sec. 3.** *"Motor vehicle fuel" has the meaning ascribed to it in*  
4 *NRS 365.060.*

5 **Sec. 4.** *"Special fuel" has the meaning ascribed to it in*  
6 *NRS 366.060.*

7 **Sec. 5.** 1. *The provisions of NRS 445B.700 to 445B.845,*  
8 *inclusive, and sections 2 to 5, inclusive, of this act do not apply to*  
9 *military tactical vehicles.*

10 2. *As used in this section, "military tactical vehicle" means a*  
11 *motor vehicle that is:*

12 (a) *Owned or controlled by the United States Department of*  
13 *Defense or by a branch of the Armed Forces of the United States;*  
14 *and*

15 (b) *Used in combat, combat support, combat service support,*  
16 *tactical or relief operations, or training for such operations.*

17 **Sec. 6.** NRS 445B.700 is hereby amended to read as follows:

18 445B.700 As used in NRS 445B.700 to 445B.845, inclusive,  
19 *and sections 2 to 5, inclusive, of this act,* unless the context  
20 otherwise requires, the words and terms defined in NRS 445B.705  
21 to 445B.758, inclusive, *and sections 2, 3 and 4 of this act* have the  
22 meanings ascribed to them in those sections.

23 **Sec. 7.** NRS 445B.780 is hereby amended to read as follows:

24 445B.780 1. The Commission shall, by regulation, establish a  
25 program for the regulation of smoke and other emissions by  
26 inspection of heavy-duty motor vehicles that are powered by diesel  
27 fuel or ~~gasoline. The program must be substantially similar to the~~  
28 ~~program established in the State of California.~~

29 ~~2. The Director of the State Department of Conservation and~~  
30 ~~Natural Resources shall review each amendment, repeal or other~~  
31 ~~revision of a law or regulation of the State of California relating to~~  
32 ~~the program established pursuant to subsection 1 to determine its~~  
33 ~~appropriateness for this state. The Director shall recommend to the~~  
34 ~~Commission any such provisions which he deems necessary or~~  
35 ~~appropriate to ensure that program remains substantially similar to~~  
36 ~~the program established in the State of California.~~

37 ~~3.] motor vehicle fuel.~~

38 2. The Commission shall adopt regulations concerning:

39 (a) The equipment used to measure smoke and other emissions  
40 of heavy-duty motor vehicles.

41 (b) The granting of a waiver ~~[from the provisions adopted by~~  
42 ~~reference in this section.]~~ if compliance involves repair and  
43 equipment costs which exceed the limits established by the  
44 Commission. The Commission shall establish the limits in a manner



1 which avoids unnecessary financial hardship to owners of heavy-  
2 duty motor vehicles.

3 ~~[4.]~~ 3. As used in this section, ~~[a]~~ “heavy-duty motor vehicle”  
4 means a motor vehicle that has a manufacturer’s gross vehicle  
5 weight rating of ~~[8,500]~~ 10,001 pounds or more. *The term does not*  
6 *include a passenger car.*

7 **Sec. 8.** NRS 445B.795 is hereby amended to read as follows:  
8 445B.795 The authority set forth in NRS 445B.770 providing  
9 for a compulsory inspection program is limited as follows:

10 1. In a county whose population is 100,000 or more, ~~[a]~~  
11 ~~passenger cars and light-duty motor vehicles which use diesel]~~ *the*  
12 *following categories of motor vehicles which are powered by*  
13 *motor vehicle fuel or special fuel and require inspection pursuant to*  
14 *the regulations adopted by the Commission under NRS 445B.770*  
15 *are required to have evidence of compliance upon registration or*  
16 *reregistration [1]:*

- 17 (a) *All passenger cars;*
- 18 (b) *Light-duty motor vehicles; and*
- 19 (c) *Heavy-duty motor vehicles having a manufacturer’s gross*  
20 *vehicle weight rating which does not exceed 10,000 pounds.*

21 2. In areas which have been designated by the Commission for  
22 inspection programs and which are located in counties whose  
23 populations are 100,000 or more, all used motor vehicles which  
24 require inspection pursuant to the regulations adopted by the  
25 Commission under NRS 445B.770 are required to have evidence of  
26 compliance upon registration or reregistration.

27 3. In designated areas in other counties where the Commission  
28 puts a program into effect, all used motor vehicles which require  
29 inspection pursuant to the regulations adopted by the Commission  
30 under NRS 445B.770 are required to have evidence of compliance  
31 upon registration or reregistration.

32 4. The board of county commissioners of a county containing a  
33 designated area may revise its program for the designated area after  
34 receiving the approval of the Commission.

35 *5. Before carrying out the inspections of vehicles required*  
36 *pursuant to the regulations adopted by the Commission pursuant*  
37 *to NRS 445B.770, the Commission shall, by regulation, adopt*  
38 *testing procedures and standards for emissions for those vehicles.*

39 **Sec. 9.** NRS 445B.815 is hereby amended to read as follows:

40 445B.815 1. Except as otherwise provided in subsection 2,  
41 persons employed at branch offices of the Department of Motor  
42 Vehicles and the offices of county assessors who are acting as  
43 agents of the Department in the collection of fees for registration,  
44 shall not register:

- 45 (a) A passenger car or light-duty motor vehicle which:



1 (1) Uses ~~diesel~~ *motor vehicle fuel or special* fuel;  
2 (2) Is based in a county whose population is 100,000 or  
3 more; and

4 (3) Requires inspection pursuant to the regulations adopted  
5 by the Commission under NRS 445B.770; ~~or~~

6 (b) *A heavy-duty motor vehicle having a manufacturer's gross  
7 vehicle weight rating which does not exceed 10,000 pounds, that:*

8 (1) *Uses motor vehicle fuel or special fuel;*

9 (2) *Is based in a county whose population is 100,000 or  
10 more; and*

11 (3) *Requires inspection pursuant to the regulations adopted  
12 by the Commission under NRS 445B.770; or*

13 (c) A vehicle which:

14 (1) Is based in an area of this state designated by the  
15 Commission; and

16 (2) Requires inspection pursuant to the regulations adopted  
17 by the Commission under NRS 445B.770,  
18 until evidence of compliance with NRS 445B.700 to 445B.845,  
19 inclusive, has been provided.

20 2. An owner or lessee of a fleet of three or more vehicles may,  
21 upon application to the Department of Motor Vehicles, submit  
22 evidence of compliance for his motor vehicles in a manner  
23 determined by that Department.

24 **Sec. 10.** NRS 445B.845 is hereby amended to read as follows:

25 445B.845 1. A violation of any provision of NRS 445B.700  
26 to 445B.845, inclusive, *and sections 2 to 5, inclusive, of this act*  
27 relating to motor vehicles, or any regulation adopted pursuant  
28 thereto relating to motor vehicles, is a misdemeanor. The provisions  
29 of NRS 445B.700 to 445B.845, inclusive, *and sections 2 to 5,*  
30 *inclusive, of this act* or any regulation adopted pursuant thereto,  
31 must be enforced by any peace officer.

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

38 **Sec. 11.** NRS 590.070 is hereby amended to read as follows:

39 590.070 1. The State Board of Agriculture shall adopt  
40 regulations relating to the standards for petroleum products used in  
41 internal combustion engines . ~~1, which are substantially similar to  
42 the laws and regulations of the State of California relating to those  
43 standards.~~

44 ~~2. The State Board of Agriculture shall review each  
45 amendment, repeal or other revision of a law or regulation of the~~



1 ~~State of California relating to those standards to determine its~~  
2 ~~appropriateness for this state. The Board shall adopt any regulation~~  
3 ~~based on a law or regulation of the State of California which the~~  
4 ~~Board determines is necessary or appropriate for this state to ensure~~  
5 ~~that the regulations adopted by the Board remain substantially~~  
6 ~~similar to the laws and regulations adopted by the State of California~~  
7 ~~concerning those standards.~~  
8 ~~—3.]~~ 2. It is unlawful for any person, or any officer, agent or  
9 employee thereof, to sell, offer for sale, assist in the sale of, deliver  
10 or permit to be sold or offered for sale, any petroleum or petroleum  
11 product as, or purporting to be, gasoline or diesel fuel, unless it  
12 conforms with the regulations adopted by the State Board of  
13 Agriculture pursuant to this section.  
14 [4.] 3. This section does not apply to aviation fuel.  
15 [5.] 4. In addition to any criminal penalty that is imposed  
16 pursuant to the provisions of NRS 590.150, any person who violates  
17 any provision of this section may be further punished as provided in  
18 NRS 590.071.

