
ASSEMBLY BILL NO. 521—COMMITTEE ON TRANSPORTATION

MARCH 24, 2003

Referred to Committee on Transportation

SUMMARY—Expands title and duties of Section for Control of Emissions from Vehicles of Department of Motor Vehicles to include enforcement of certain matters relating to use of special fuel. (BDR 43-1273)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to motor vehicles; expanding the title and the duties of the Section for the Control of Emissions from Vehicles of the Department of Motor Vehicles to include the enforcement of certain matters relating to the use of special fuel; requiring the Section to cooperate and coordinate with the Nevada Highway Patrol in connection with the enforcement of certain matters; 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.** NRS 481.0481 is hereby amended to read as
2 follows:
3 481.0481 1. There is hereby created within the Department a
4 Section for the Control of Emissions from Vehicles ~~[.]~~ *and the*
5 *Enforcement of Matters Related to the Use of Special Fuel.*
6 2. The Director shall , ~~appoint,~~ within the limits of legislative
7 appropriations, *appoint to the Section* investigators, officers and
8 technicians for ~~the~~ :
9 (a) *The control of emissions from vehicles ~~[.]~~; and*
10 (b) *The enforcement of matters related to the use of special*
11 *fuel.*



1 3. The duties of the investigators, officers and technicians are
2 to travel the State and:

3 (a) Act as agents and inspectors in the enforcement of the
4 provisions of *chapter 366 of NRS*, NRS 445B.700 to 445B.845,
5 inclusive, chapter 482 of NRS, and NRS 484.644 and 484.6441.

6 (b) Cooperate with the Division of Environmental Protection of
7 the State Department of Conservation and Natural Resources in all
8 matters pertaining to the control of emissions from vehicles.

9 (c) *Cooperate and coordinate with the personnel of the Nevada
10 Highway Patrol in all matters pertaining to the enforcement of the
11 provisions of chapter 366 of NRS as those provisions relate to the
12 use of special fuel by motor vehicles.*

13 (d) Perform such other duties as may be imposed by the
14 Director.

15 *4. As used in this section, "special fuel" has the meaning
16 ascribed to it in NRS 366.060.*

17 **Sec. 2.** NRS 289.270 is hereby amended to read as follows:

18 289.270 1. The following persons have the powers of a peace
19 officer:

20 (a) The Director of the Department of Public Safety.

21 (b) The chiefs of the divisions of the Department of Public
22 Safety.

23 (c) The deputy directors of the Department of Public Safety
24 employed pursuant to NRS 480.120.

25 (d) The investigators and agents of the Investigation Division of
26 the Department of Public Safety and any other officer or employee
27 of that Division whose principal duty is to enforce one or more laws
28 of this state, and any person promoted from such a duty to a
29 supervisory position related to such a duty.

30 (e) The personnel of the Capitol Police Division of the
31 Department of Public Safety appointed pursuant to subsection 2 of
32 NRS 331.140.

33 2. The personnel of the Nevada Highway Patrol appointed
34 pursuant to subsection 2 of NRS 480.330 have the powers of a peace
35 officer specified in NRS 480.330 and 480.360.

36 3. Administrators and investigators of the Division of
37 Compliance Enforcement of the Department of Motor Vehicles have
38 the powers of a peace officer to enforce any law of the State of
39 Nevada in carrying out their duties pursuant to NRS 481.048.

40 4. Officers and investigators of the Section for the Control of
41 Emissions From Vehicles *and the Enforcement of Matters Related
42 to the Use of Special Fuel* of the Department of Motor Vehicles,
43 appointed pursuant to NRS 481.0481, have the powers of peace
44 officers in carrying out their duties under that section.



1 5. Members of the State Disaster Identification Team of the
2 Division of Emergency Management of the Department of Public
3 Safety who are, pursuant to NRS 414.270, activated by the Chief of
4 the Division to perform the duties of the State Disaster Identification
5 Team have the powers of peace officers in carrying out those duties.

6 **Sec. 3.** NRS 289.470 is hereby amended to read as follows:
7 289.470 “Category II peace officer” means:

- 8 1. The Bailiff of the Supreme Court;
- 9 2. The bailiffs of the district courts, justices’ courts and
10 municipal courts whose duties require them to carry weapons and
11 make arrests;
- 12 3. Constables and their deputies whose official duties require
13 them to carry weapons and make arrests;
- 14 4. Inspectors employed by the Transportation Services
15 Authority who exercise those powers of enforcement conferred by
16 chapters 706 and 712 of NRS;
- 17 5. Parole and probation officers;
- 18 6. Special investigators who are employed full-time by the
19 office of any district attorney or the Attorney General;
- 20 7. Investigators of arson for fire departments who are specially
21 designated by the appointing authority;
- 22 8. The assistant and deputies of the State Fire Marshal;
- 23 9. The brand inspectors of the State Department of Agriculture
24 who exercise the powers of enforcement conferred by chapter 565
25 of NRS;
- 26 10. The field agents and inspectors of the State Department of
27 Agriculture who exercise the powers of enforcement conferred by
28 NRS 561.225;
- 29 11. Investigators for the State Forester Firewarden who are
30 specially designated by him and whose primary duties are related to
31 the investigation of arson;
- 32 12. School police officers employed by the board of trustees of
33 any county school district;
- 34 13. Agents of the State Gaming Control Board who exercise
35 the powers of enforcement specified in NRS 289.360, 463.140 or
36 463.1405, except those agents whose duties relate primarily to
37 auditing, accounting, the collection of taxes or license fees, or the
38 investigation of applicants for licenses;
- 39 14. Investigators and administrators of the Division of
40 Compliance Enforcement of the Department of Motor Vehicles who
41 perform the duties specified in subsection 2 of NRS 481.048;
- 42 15. Officers and investigators of the Section for the Control of
43 Emissions From Vehicles *and the Enforcement of Matters Related*
44 *to the Use of Special Fuel* of the Department of Motor Vehicles
45 who perform the duties specified in subsection 3 of NRS 481.0481;



1 16. Legislative police officers of the State of Nevada;
2 17. The personnel of the Capitol Police Division of the
3 Department of Public Safety appointed pursuant to subsection 2 of
4 NRS 331.140;

5 18. Parole counselors of the Division of Child and Family
6 Services of the Department of Human Resources;

7 19. Juvenile probation officers and deputy juvenile probation
8 officers employed by the various judicial districts in the State of
9 Nevada or by a department of family, youth and juvenile services
10 established pursuant to NRS 62.1264 whose official duties require
11 them to enforce court orders on juvenile offenders and make arrests;

12 20. Field investigators of the Taxicab Authority;

13 21. Security officers employed full-time by a city or county
14 whose official duties require them to carry weapons and make
15 arrests;

16 22. The chief of a department of alternative sentencing created
17 pursuant to NRS 211A.080 and the assistant alternative sentencing
18 officers employed by that department; and

19 23. Criminal investigators who are employed by the Secretary
20 of State.

21 **Sec. 4.** NRS 617.135 is hereby amended to read as follows:

22 617.135 "Police officer" includes:

23 1. A sheriff, deputy sheriff, officer of a metropolitan police
24 department or city policeman;

25 2. A chief, inspector, supervisor, commercial officer or trooper
26 of the Nevada Highway Patrol;

27 3. A chief, investigator or agent of the Investigation Division
28 of the Department of Public Safety;

29 4. An officer or investigator of the Section for the Control of
30 Emissions From Vehicles *and the Enforcement of Matters Related*
31 *to the Use of Special Fuel* of the Department of Motor Vehicles;

32 5. An investigator of the Division of Compliance Enforcement
33 of the Department of Motor Vehicles;

34 6. A member of the police department of the University and
35 Community College System of Nevada;

36 7. A:

37 (a) Uniformed employee of; or

38 (b) Forensic specialist employed by,

39 the Department of Corrections whose position requires regular and
40 frequent contact with the offenders imprisoned and subjects the
41 employee to recall in emergencies;

42 8. A parole and probation officer of the Division of Parole and
43 Probation of the Department of Public Safety;

44 9. A forensic specialist or correctional officer employed by the
45 Division of Mental Health and Developmental Services of the



- 1 Department of Human Resources at facilities for mentally
- 2 disordered offenders; and
- 3 10. The State Fire Marshal, his assistant and his deputies.
- 4 **Sec. 5.** This act becomes effective on July 1, 2003.

