

SENATE BILL NO. 288—SENATOR TIFFANY

MARCH 24, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Revises provisions regarding alternative fuels.
(BDR 43-889)

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

~

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

AN ACT relating to alternative fuels; revising the definition of “alternative fuel”; transferring authority to adopt certain regulations from the State Environmental Commission to the Division of Environmental Protection of the State Department of Conservation and Natural Resources; 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 486A of NRS is hereby amended by
2 adding thereto a new section to read as follows:
3 *“Division” means the Division of Environmental Protection of*
4 *the Department.*
5 **Sec. 2.** NRS 486A.020 is hereby amended to read as follows:
6 486A.020 As used in NRS 486A.010 to 486A.180, inclusive,
7 *and section 1 of this act*, unless the context otherwise requires, the
8 words and terms defined in NRS 486A.030 to 486A.135, inclusive,
9 *and section 1 of this act* have the meanings ascribed to them in
10 those sections.
11 **Sec. 3.** NRS 486A.020 is hereby amended to read as follows:
12 486A.020 As used in NRS 486A.010 to 486A.180, inclusive,
13 *and section 1 of this act*, unless the context otherwise requires, the
14 words and terms defined in NRS 486A.030 to 486A.130, inclusive,
15 *and section 1 of this act* have the meanings ascribed to them in
16 those sections.



1 **Sec. 4.** NRS 486A.030 is hereby amended to read as follows:
2 486A.030 “Alternative fuel” means any fuel which complies
3 with the standards and requirements established by the
4 ~~{Commission.}~~ *Division*. The term includes:

- 5 1. Ultra low-sulfur diesel fuel;
- 6 2. Reformulated gasoline;
- 7 3. Diesel fuel that meets the requirements imposed by the
8 California Air Resources Board; ~~{and}~~
- 9 4. *Methanol, ethanol or other alcohol, or any mixture thereof*
10 *containing 85 percent or more by volume of such an alcohol with*
11 *gasoline or other fuels;*

- 12 5. *Natural gas;*
- 13 6. *Liquefied petroleum gas;*
- 14 7. *Hydrogen;*
- 15 8. *Liquid fuels derived from coal or another source of power,*
16 *including, but not limited to, electricity; and*

- 17 9. Finished diesel fuel that:
18 (a) Meets ASTM International (ASTM) specification D975; and
19 (b) Includes at least 5 percent ~~{but not more than 20 percent}~~
20 biodiesel fuel blend stock for distillate fuels meeting ASTM
21 specification D6751,
22 ↳ which comply with the regulations adopted by the United States
23 Environmental Protection Agency pursuant to the standards for the
24 control of emissions from motor vehicles established in the
25 Clean Air Act Amendments of 1990, Public Law 101-549,
26 November 15, 1990.

27 **Sec. 5.** NRS 486A.030 is hereby amended to read as follows:
28 486A.030 “Alternative fuel” means any fuel which complies
29 with the standards and requirements established by the
30 ~~{Commission.}~~ *Division*. The term includes:

- 31 1. Reformulated gasoline; ~~{and}~~
- 32 2. *Methanol, ethanol or other alcohol, or any mixture thereof*
33 *containing 85 percent or more by volume of such an alcohol with*
34 *gasoline or other fuels;*

- 35 3. *Natural gas;*
- 36 4. *Liquefied petroleum gas;*
- 37 5. *Hydrogen;*
- 38 6. *Liquid fuels derived from coal or another source of power,*
39 *including, but not limited to, electricity; and*

- 40 7. Finished diesel fuel that:
41 (a) Meets ASTM International (ASTM) specification D975; and
42 (b) Includes at least 5 percent ~~{but not more than 20 percent}~~
43 biodiesel fuel blend stock for distillate fuels meeting ASTM
44 specification D6751,



1 ↪ which comply with the regulations adopted by the United States
2 Environmental Protection Agency pursuant to the standards for
3 the control of emissions from motor vehicles established in the
4 Clean Air Act Amendments of 1990, Public Law 101-549,
5 November 15, 1990.

6 **Sec. 6.** NRS 486A.140 is hereby amended to read as follows:

7 486A.140 The provisions of NRS 486A.010 to 486A.180,
8 inclusive, *and section 1 of this act* do not apply to:

9 1. The owner of a fleet of motor vehicles that operates only in a
10 county whose population is less than 100,000.

11 2. Any governmental agency exempted by federal statute or
12 regulation.

13 3. Any person exempted by the ~~{Commission}~~ *Division*.

14 **Sec. 7.** NRS 486A.150 is hereby amended to read as follows:

15 486A.150 The ~~{Commission}~~ *Division* shall adopt regulations
16 necessary to carry out the provisions of NRS 486A.010 to
17 486A.180, inclusive, *and section 1 of this act*, including, but not
18 limited to, regulations concerning:

19 1. Standards and requirements for alternative fuel. The
20 ~~{Commission}~~ *Division* shall not discriminate against any product
21 that is petroleum based.

22 2. The conversion of fleets to use alternative fuels if the fleet is
23 operated in a county whose population is 100,000 or more.

24 3. Standards for alternative fuel injection systems for diesel
25 motor vehicles.

26 4. Standards for levels of emissions from motor vehicles that
27 are converted to use alternative fuels.

28 5. The establishment of a procedure for approving exemptions
29 to the requirements of NRS 486A.010 to 486A.180, inclusive ~~{}~~,
30 *and section 1 of this act*.

31 6. Standards related to the use of dedicated alternative fuel
32 motor vehicles.

33 **Sec. 8.** NRS 486A.160 is hereby amended to read as follows:

34 486A.160 1. The Department shall:

35 (a) Make such determinations and issue such orders as may be
36 necessary to carry out the provisions of NRS 486A.010 to
37 486A.180, inclusive ~~{}~~, *and section 1 of this act*;

38 (b) Enforce the regulations adopted by the ~~{Commission}~~
39 *Division* pursuant to the provisions of NRS 486A.010 to 486A.180,
40 inclusive ~~{}~~, *and section 1 of this act*; and

41 (c) Conduct any investigation, research or study necessary to
42 carry out the provisions of NRS 486A.010 to 486A.180, inclusive ~~{}~~
43 *, and section 1 of this act*.



1 2. Upon request, the Department of Motor Vehicles shall
2 provide to the Department information contained in records of
3 registration of motor vehicles.

4 **Sec. 9.** NRS 486A.180 is hereby amended to read as follows:

5 486A.180 1. Except as otherwise provided in subsection 4,
6 any person who violates any provision of NRS 486A.010 to
7 486A.180, inclusive, *and section 1 of this act*, or any regulation
8 adopted pursuant thereto, is guilty of a civil offense and shall pay an
9 administrative fine levied by the ~~Commission~~ *Division* of not
10 more than \$5,000. Each day of violation constitutes a separate
11 offense.

12 2. The ~~Commission~~ *Division* shall by regulation establish a
13 schedule of administrative fines of not more than \$1,000 for lesser
14 violations of any provision of NRS 486A.010 to 486A.180,
15 inclusive, *and section 1 of this act*, or any regulation in force
16 pursuant thereto.

17 3. Action pursuant to subsection 1 or 2 is not a bar to
18 enforcement of the provisions of NRS 486A.010 to 486A.180,
19 inclusive, *and section 1 of this act*, and regulations in force
20 pursuant thereto, by injunction or other appropriate remedy. The
21 ~~Commission~~ *Division* or the Director of the Department may
22 institute and maintain in the name of the State of Nevada any such
23 enforcement proceeding.

24 4. A person who fails to pay a fine levied pursuant to
25 subsection 1 or 2 within 30 days after the fine is imposed is guilty of
26 a misdemeanor. The provisions of this subsection do not apply to a
27 person found by the court to be indigent.

28 5. The ~~Commission~~ *Division* and the Department shall
29 deposit all money collected pursuant to this section in the State
30 General Fund. Money deposited in the State General Fund pursuant
31 to this subsection must be accounted for separately and may only be
32 expended upon legislative appropriation.

33 **Sec. 10.** NRS 486A.050 is hereby repealed.

34 **Sec. 11.** Notwithstanding the provisions of sections 4, 5 and 7
35 of this act that transfer the authority to adopt certain regulations
36 from the State Environmental Commission to the Division of
37 Environmental Protection of the State Department of Conservation
38 and Natural Resources, any regulations adopted by the State
39 Environmental Commission pursuant to section 4 or 7 of this act
40 before July 1, 2005, remain in effect and may be enforced by the
41 Division of Environmental Protection of the State Department of
42 Conservation and Natural Resources until the Division adopts
43 regulations to replace those regulations of the State Environmental
44 Commission.



- 1 **Sec. 12.** 1. This section and sections 1, 2, 4 and 6 to 11,
2 inclusive, of this act become effective on July 1, 2005.
3 2. Sections 2 and 4 of this act expire by limitation on
4 December 31, 2006.
5 3. Sections 3 and 5 of this act become effective on January 1,
6 2007.

TEXT OF REPEALED SECTION

486A.050 “Commission” defined. “Commission” means the State Environmental Commission.



