

SUMMARY—Revises provisions relating to the testing of emissions from motor vehicles.

(BDR 40-661)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Yes.

AN ACT relating to motor vehicles; requiring regulations adopted by the State Environmental Commission for the control of emissions from motor vehicles to provide for the biennial inspection and testing of motor vehicles and systems; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Environmental Commission, in cooperation with the Department of Motor Vehicles and any local air pollution control agency, to adopt regulations for the control of emissions from motor vehicles in areas designated by the Commission that are in any county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 445B.770) Existing law further requires that certain vehicles which require inspection pursuant to such regulations have evidence of compliance upon registration or reregistration. (NRS 445B.795)

Section 1 of this bill requires the Commission, when prescribing regulations for the control of emissions from motor vehicles in certain areas, to provide for the biennial inspection and testing of motor vehicles and systems for the control of emissions.



Existing law provides that a new motor vehicle is exempt from compliance with certain provisions governing the controls of emissions from a motor vehicle which is being operated on a highway until the fourth registration of the motor vehicle. (NRS 445B.825) Notwithstanding such an exemption, existing law: (1) authorizes the Department, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), to conduct a test of the emissions from such a motor vehicle to determine whether the vehicle complies with such provisions; and (2) requires the Department, if the Department conducts such a test, to conduct the test to determine whether the motor vehicle complies with such provisions annually after the fourth registration of the motor vehicle. (NRS 445B.798, 445B.825) **Section 2** of this bill instead requires such tests to be conducted biennially after the fourth registration of the vehicle.

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

Section 1. NRS 445B.770 is hereby amended to read as follows:

445B.770 1. In any county whose population is 100,000 or more, the Commission shall, in cooperation with the Department of Motor Vehicles and any local air pollution control agency, adopt regulations for the control of emissions from motor vehicles in areas of the county designated by the Commission.



2. In any county whose population is less than 100,000, if the Commission determines that it is feasible and practicable to carry out a program of inspecting and testing motor vehicles and systems for the control of emissions from motor vehicles, and if carrying out the program is deemed necessary to achieve or maintain the prescribed standards for the quality of ambient air in areas of the State designated by the Commission, the Commission shall, in cooperation with the Department of Motor Vehicles and any local air pollution control agency established under NRS 445B.500 which has jurisdiction in a designated area, adopt regulations and transportation controls as may be necessary to carry out the program.

3. The regulations ~~[must distinguish]~~ :

(a) *Must:*

(1) *Distinguish* between light-duty and heavy-duty motor vehicles ; and ~~[may]~~

(2) *Provide for the biennial inspection and testing of motor vehicles and systems for the control of emissions from motor vehicles in areas designated by the Commission pursuant to this section; and*

(b) *May* prescribe:

~~[(a)]~~ (1) Appropriate criteria and procedures for the approval, installation and use of devices for the control of emissions from motor vehicles; and

~~[(b)]~~ (2) Requirements for the proper maintenance of such devices and motor vehicles.

4. The regulations must establish:

(a) Requirements by which the Department of Motor Vehicles shall license authorized stations to inspect, repair, adjust and install devices for the control of emissions for motor vehicles,



including criteria by which any person may become qualified to inspect, repair, adjust and install those devices.

(b) Requirements by which the Department of Motor Vehicles may license an owner or lessee of a fleet of three or more vehicles as a fleet station if the owner or lessee complies with the regulations of the Commission. The fleet station shall only certify vehicles which constitute that fleet.

(c) Requirements by which the Department of Motor Vehicles provides for inspections of motor vehicles owned by this State and any of its political subdivisions.

5. The Commission shall consider, before adopting any regulation or establishing any criteria pursuant to *subparagraph (1) of* paragraph ~~(a)~~ (b) of subsection 3:

(a) The availability of devices adaptable to specific makes, models and years of motor vehicles.

(b) The effectiveness of those devices for reducing the emission of each type of air pollutant under conditions in this State.

(c) The capability of those devices for reducing any particular type or types of pollutants without significantly increasing the emission of any other type or types of pollutant.

(d) The capacity of any manufacturer to produce and distribute the particular device in such quantities and at such times as will meet the estimated needs in Nevada.

(e) The reasonableness of the retail cost of the device and the cost of its installation and maintenance over the life of the device and the motor vehicle.

(f) The ease of determining whether any such installed device is functioning properly.

Sec. 2. NRS 445B.825 is hereby amended to read as follows:



445B.825 1. The Commission may provide for exemption from the provisions of NRS 445B.770 to 445B.815, inclusive, of designated classes of motor vehicles, including, without limitation, classes based upon the year of manufacture of motor vehicles.

2. A hybrid electric vehicle, as defined in 40 C.F.R. § 86.1803-01, is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive, until the model year of the vehicle is 6 years old.

3. A new motor vehicle is exempt from the test conducted pursuant to NRS 445B.798 and the provisions of NRS 445B.770 to 445B.815, inclusive, until the fourth registration of the motor vehicle. If the Department of Motor Vehicles conducts a test pursuant to NRS 445B.798, the Department of Motor Vehicles shall conduct the test pursuant to NRS 445B.798 to determine whether the motor vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto, ~~annually~~ *biennially* after the fourth registration of the motor vehicle.

4. The Commission shall provide for a waiver from the provisions of NRS 445B.770 to 445B.815, inclusive, if compliance involves repair and equipment costs which exceed the limits established by the Commission. The Commission shall establish the limits in a manner which avoids unnecessary financial hardship to motor vehicle owners.

5. As used in this section, “new motor vehicle” means a motor vehicle that has never been registered with the Department of Motor Vehicles and has never been registered with the appropriate agency or authority of any other state, the District of Columbia, any territory or possession of the United States or a foreign state, province or country.

