

Assembly Bill No. 414—Assemblymen Claborn; Atkinson, Bobzien,
Hambrick, Hogan, Leslie, Manendo, McClain, Mortenson
and Stewart

CHAPTER.....

AN ACT relating to air pollution; providing for a voluntary program of electronic submission of emissions information to the Department of Motor Vehicles through the use of onboard diagnostic and transmission equipment; providing for the establishment of standards for emissions from a reconstructed vehicle; revising provisions for the establishment of standards for emissions from a trimobile; revising provisions relating to the emissions inspections of certain heavy-duty diesel vehicles by the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Environmental Commission must provide for a compulsory inspection program for the control of emissions of certain motor vehicles in counties whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 445B.770, 445B.798) Existing law further authorizes the Department of Motor Vehicles to license inspection stations which are authorized to inspect devices for the control of emissions for motor vehicles in those counties. (NRS 445B.770, 445B.785) **Section 1** of this bill authorizes the Commission, in cooperation with the Department, in counties whose population is 100,000 or more, to establish a voluntary program whereby vehicle owners could submit emissions information to the Department electronically from onboard diagnostic equipment that is available on certain vehicles, as an alternative to bringing the vehicle to an inspection station.

Existing law authorizes the Commission to prescribe standards for exhaust emissions from various vehicles with internal combustion engines. (NRS 445B.760) **Section 3** of this bill revises the application of those standards, exempting trimobiles from emissions standards if they meet the federal definition of a motorcycle and requiring both trimobiles that do not meet the federal definition of a motorcycle and reconstructed vehicles to meet the emissions standards that were in effect in the year in which the engine of the trimobile or reconstructed vehicle was built.

Under existing law, the Commission must establish a program for the regulation of emissions by inspection of heavy-duty motor vehicles that weigh more than 10,000 pounds. (NRS 445B.780) **Section 4** of this bill revises that minimum weight limit to 14,000 pounds. In counties whose population is 100,000 or more, existing law also requires the owner of a heavy-duty motor vehicle that does not weigh more than 10,000 pounds to provide evidence of compliance with emissions standards upon registration or reregistration. (NRS 445B.795, 445B.815) **Sections 5 and 6** of this bill revise those provisions to require such evidence of compliance for a heavy-duty motor vehicle that is powered by diesel fuel only if the vehicle does not exceed 14,000 pounds and to require such evidence of compliance for every heavy-duty motor vehicle that uses fuel other than diesel fuel.



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

Section 1. Chapter 445B of NRS is hereby amended by adding thereto a new section to read as follows:

1. In any county whose population is 100,000 or more, the Commission may, in cooperation with the Department of Motor Vehicles and any local air pollution control agency, adopt regulations to establish a voluntary program of electronic monitoring of emission information, from vehicles equipped with onboard diagnostic equipment that permits such monitoring, for the purposes of compliance with this chapter.

2. The Department of Motor Vehicles shall charge an annual fee of \$6 for each vehicle electronically monitored pursuant to subsection 1. Fees collected by the Department pursuant to this section must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 2. NRS 445B.700 is hereby amended to read as follows:

445B.700 As used in NRS 445B.700 to 445B.845, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 445B.705 to 445B.758, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 445B.760 is hereby amended to read as follows:

445B.760 1. The ~~[State-Environmental]~~ Commission may by regulation prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines on the ground or in the air, including, but not limited to, aircraft, motor vehicles, snowmobiles and railroad locomotives. The regulations must:

(a) Provide for the exemption from such standards of restored vehicles for which special license plates have been issued pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816.

(b) Establish criteria for the condition and functioning of a restored vehicle to qualify for the exemption, and provide that the evaluation of the condition and functioning of such a vehicle may be conducted at an authorized inspection station or authorized station as defined in NRS 445B.710 and 445B.720, respectively.

(c) Define "restored vehicle" for the purposes of the regulations.

2. ~~[Standards]~~ *Except as otherwise provided in subsection 3, standards* for exhaust emissions which apply to a ~~[trimobile]~~ :

(a) *Reconstructed vehicle, as defined in NRS 482.100; and*

(b) *Trimobile, as defined in NRS 482.129,*

↪ must be based on standards which were in effect in the year in which the engine of the ~~[trimobile]~~ *vehicle* was built.



3. *A trimobile that meets the definition of a motorcycle in 40 C.F.R. § 86.402-78 or 86.402-98, as applicable, is not subject to emissions standards under this chapter.*

4. Any such standards which pertain to motor vehicles must be approved by the Department of Motor Vehicles before they are adopted by the Commission.

Sec. 4. NRS 445B.780 is hereby amended to read as follows:

445B.780 1. The Commission shall, by regulation, establish a program for the regulation of smoke and other emissions by inspection of heavy-duty motor vehicles that are powered by diesel fuel or motor vehicle fuel.

2. The Commission shall adopt regulations concerning:

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

(b) The granting of a waiver 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 owners of heavy-duty motor vehicles.

3. As used in this section, "heavy-duty motor vehicle" means a motor vehicle that has a manufacturer's gross vehicle weight rating of ~~10,001~~ *14,001* pounds or more. The term does not include a passenger car.

Sec. 5. NRS 445B.795 is hereby amended to read as follows:

445B.795 The authority set forth in NRS 445B.770 providing for a compulsory inspection program is limited as follows:

1. In a county whose population is 100,000 or more, the following categories of motor vehicles which are powered by motor vehicle fuel or special fuel and require inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 are required to have evidence of compliance upon registration or reregistration:

(a) All passenger cars;

(b) Light-duty motor vehicles; ~~and~~

(c) Heavy-duty motor vehicles ~~having~~ *that are powered by diesel fuel and have* a manufacturer's gross vehicle weight rating which does not exceed ~~10,000~~ *14,000* pounds ~~;~~ *and*

(d) Heavy-duty motor vehicles that are powered by motor vehicle fuel or special fuel, excluding diesel fuel.

2. In areas which have been designated by the Commission for inspection programs and which are located in counties whose populations are 100,000 or more, all used motor vehicles which require inspection pursuant to the regulations adopted by the



Commission under NRS 445B.770 are required to have evidence of compliance upon registration or reregistration.

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

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

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

Sec. 6. NRS 445B.815 is hereby amended to read as follows:

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

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

(1) Uses motor vehicle fuel or special fuel;

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

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

(b) A heavy-duty motor vehicle having a manufacturer's gross vehicle weight rating which does not exceed ~~10,000~~ 14,000 pounds, that:

(1) Uses ~~motor vehicle fuel or special~~ diesel fuel;

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

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

(c) *A heavy-duty motor vehicle that:*

(1) Uses motor vehicle fuel or special fuel, excluding diesel fuel;

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

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



(d) A vehicle which:

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

(2) Requires inspection pursuant to the regulations adopted by the Commission under NRS 445B.770,

↳ until evidence of compliance with NRS 445B.700 to 445B.845, inclusive, *and section 1 of this act* has been provided.

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

Sec. 7. This act becomes effective on July 1, 2009.

