

**ADOPTED REGULATION OF THE
DEPARTMENT OF MOTOR VEHICLES**

LCB File No. R023-02

Effective September 20, 2002

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

AUTHORITY: §1, NRS 445B.785.

Section 1. NAC 445B.460 is hereby amended to read as follows:

445B.460 1. No person may engage in the business of issuing evidence of compliance unless he holds a current license to operate a test station at an established place of business and holds one or both of the ratings set forth in subsection 3.

2. A license that:

(a) Was issued for a test station before September 25, 1998, expires on September 30 of each calendar year.

(b) Is issued on or after September 25, 1998, expires 1 year after the last day of the month in which the license was originally issued.

3. A test station shall obtain from the department:

(a) A “G” rating if it will be testing the exhaust emissions of gasoline-powered motor vehicles. A test station with a “G” rating shall, when conducting inspections of motor vehicles subject to the provisions of NAC 445B.580, use an exhaust gas analyzer that complies with the equipment specifications published by the department for this rating and at least one approved inspector who has a “G” rating to perform the exhaust emissions tests.

(b) A “D” rating if it will be testing the exhaust emissions of light-duty diesel motor vehicles. A test station with a “D” rating shall, when conducting inspections of motor vehicles subject to the provisions of NAC 445B.589, use an exhaust gas analyzer that complies with the requirements of NAC 445B.587 and at least one approved inspector who has a “D” rating to perform the exhaust emissions tests.

4. A facility which holds a license as an authorized inspection station or class 1 fleet station may test exhaust emissions but shall not perform any installation, repair, *diagnosis* or adjustment to devices that affect exhaust emissions, except ~~the:~~

~~(a) Changing~~ :

(a) *The changing* of oil; ~~and~~

~~(b) Replacement~~

(b) *The replacement* of an oil filter, air filter, fuel filter, belt or hose ~~and~~; *and*

(c) *With regard to a vehicle with a model year of 1980 or older which has not failed its most recent exhaust emissions test administered in this state:*

(1) *The replacement of the spark plugs, secondary cables for the spark plugs, distributor cap, rotor, points or condenser of the vehicle; and*

(2) *The adjustment of the dwell and initial ignition timing of the engine of the vehicle, and the settings for idle speed if those settings are accessible.*

5. *An authorized inspection station shall not advertise any services which it provides for the testing of exhaust emissions with any services described in paragraph (c) of subsection 4 that the authorized inspection station also provides.*

6. A person licensed to operate a test station shall not own or hold any ownership interest whatsoever in any business which manufactures, sells, repairs, rents or leases any exhaust gas analyzers approved by the department for the testing of exhaust emissions.

~~6.7.~~ 7. A person or business which manufactures, sells, repairs, rents or leases any exhaust gas analyzers approved by the department for the testing of exhaust emissions shall not own or hold any ownership interest whatsoever in any business licensed to operate a test station.

~~7.8.~~ 8. An authorized inspection station or class 1 fleet station must not be located immediately adjacent to any business which services or repairs motor vehicles unless:

- (a) The facility for the station is physically separated from the adjacent facility;
- (b) The facility for the station and the adjacent facility have separate entrances for customers and do not share any common doors or entries between the facilities;
- (c) The adjacent facility has no access to the physical space in which testing occurs at the facility for the station;
- (d) No employee of the adjacent facility is employed by the station; and
- (e) The facility for the station and the adjacent facility have separate mailing addresses.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R023-02**

The Department of Motor Vehicles adopted regulations assigned LCB File No. R023-02 which pertain to chapter 445B of the Nevada Administrative Code on August 27, 2002.

Notice date: 5/26/2002

Date of adoption by agency: 8/27/2002

Hearing date: 6/26/2002 & 6/27/2002

Filing date: 9/20/2002

INFORMATIONAL STATEMENT

The Department of Motor Vehicles noticed and held Workshops on March 13, 2002 in Reno, Nevada and on April 8, 2002 in Las Vegas, Nevada. These Workshops and Hearings were held to solicit opinions regarding the adoption of Regulations, concerning LCB file R023-02.

The proposed regulations amend Chapter 445B of the Nevada Administrative Code to allow a wider range of services that a 1G test only authorized inspection station can perform on motor vehicle ignition and fuel systems.

The Notice of Workshops and Public Hearings and complete copies of the proposed permanent regulation were posted on or before February 13, 2002 for the Notice of Workshop and May 26, 2002 for Public Hearing Notice at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. In each county where the Department does not maintain an office, the notice was posted at the main office of the public library.

Public Hearings were held on June 26 at 9:00 am, in Reno Nevada. Eleven individuals attended the Public Hearing in Reno. Two individuals testified to their concern regarding the lack of training that test-only inspectors have attended that relates to maintenance of vehicles and added that additional training and certification should be required as part of the amendment. One individual testified that the proposed NAC amendment could affect the image of the current test-and-repair authorized stations, should improper repairs be performed at authorized inspection stations. One individual that owns a test only authorized inspection station testified that he feels the current regulations are effective and would like to have the current requirements remain intact without changes. No individuals testified in favor of the proposed regulation language as written.

Public Hearings were held on June 27, 2002 at 9:00 am, in Las Vegas Nevada. Seventeen individuals attended the Public Hearing in Las Vegas. Nine individuals testified of their concerns of allowing inspectors with a lesser amount of training and experience perform the range of services to vehicle ignition and fuel systems as written in the proposed amendments. One individual testified that the proposed amendments appear to have the potential to cause addition work for the DMV enforcement staff. Two individuals testified of their concern that vehicles serviced by test-only inspectors may actually pollute more after the work has been performed. One individual, manager of a 1G Test Only Authorized Inspection Station testified that the current regulations are sufficient and that the proposed amendment could cause liability

problems for test only facilities. No individuals testified in favor of the proposed regulation language as written.

The Department will adopt the permanent regulation with the following changes:

Section 1 of NAC 445B.460

4(c): Work will only be performed on 1980 and older vehicles that have not failed their most recent emission test. The only work allowed will be replacement of basic ignition serviceable parts with basic adjustments to ignition timing and engine idle speed.

5: Test-Only Authorized Inspection Stations cannot advertise emission testing and the allowed range of services in conjunction with one another.

There are no adverse economic effects of this regulation to the Department, local authorities, or the public.

There are no other state or government regulations, which the proposed regulation duplicates.