

**PROPOSED REGULATION OF THE DEPARTMENT
OF MOTOR VEHICLES**

LCB File No. R067-05

July 14, 2005

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

AUTHORITY: §1, NRS 445B.785, 445B.835.

A REGULATION relating to exhaust gas analyzers; revising the provisions governing the repair of an exhaust gas analyzer; and providing other matters properly relating thereto.

Section 1. NAC 445B.5075 is hereby amended to read as follows:

445B.5075 1. The manufacturer of an exhaust gas analyzer approved by the Department, or an authorized representative of the manufacturer, shall provide the services set forth in this section to each person purchasing or leasing one of those analyzers as part of the warranty required pursuant to NAC 445B.5065, and thereafter upon request by the purchaser or lessee at a cost negotiated between the parties.

2. The manufacturer or its authorized representative ~~[shall:~~

~~—(a) Deliver,]:~~

(a) *Shall deliver*, install, calibrate and verify the proper operating condition of the analyzer.

(b) ~~[Train]~~ *Shall train* all approved inspectors employed by the test station at the time of installation in the proper use, maintenance and operation of the analyzer, including the procedure for performing a vehicle inspection in this State.

(c) ~~[Provide,]~~ *Shall*, within 30 days after receiving an oral or written request *for additional training* from the operator of a test station, *provide* additional training to an applicant for

licensure as a class I approved inspector who is unable to demonstrate to the Department an ability to adjust and operate the equipment in accordance with paragraph (b) of subsection 1 of NAC 445B.485. The manufacturer may charge a fee for providing such additional training.

(d) ~~Provide~~ *Shall provide an* on-site service ~~calls~~ *call* by a qualified repair technician within 2 business days after receiving an oral or written request *for service* from the operator of the test station. The names, toll-free telephone numbers and business addresses of all ~~of~~ the manufacturer's representatives responsible for equipment service in the affected area must be provided to the operator of the test station for this purpose. A service representative of the manufacturer must be available to receive service calls at all times during normal working hours of each day of the week, excluding Sundays and national holidays. Any necessary repairs to an analyzer, replacement of components or adjustments to an analyzer, including the correction and reset of quality control lockout systems, must be accomplished at the test station within 1 *business* day after authorization from the operator of the test station has been obtained to perform the repairs. If it is not possible to complete the work within this time, a temporary replacement analyzer meeting all program requirements of the Department must be provided to the operator of the test station at no additional charge until the malfunctioning analyzer is properly repaired and returned to service.

(e) ~~Provide~~ *If an analyzer is taken off-site for repair, shall fully repair the analyzer and place it back into service at its original location not more than 10 business days after the date it was removed.*

(f) *May, with the consent of the operator of the test station, replace a defective analyzer with a new or refurbished unit within 3 business days after receiving an oral or written request for service from the operator of the test station.*

(g) *Shall provide* up to two updates of software as required by the Department, which may include, without limitation:

- (1) Preconditioning procedures and emission testing sequences;
- (2) Various look-up tables;
- (3) Procedures for data communication; and
- (4) Criteria affecting the selection of emission standards, vehicle exemptions, and whether

a vehicle passes or fails an emissions test.

↪ Other areas not specifically mentioned may also be required to be updated, but changes are not expected in all noted areas at one time.

~~[(f) Provide]~~

(h) *Shall provide* major alterations or additions to the hardware or software of the analyzer as may be deemed necessary by the Department in response to a change in requirements of the inspection and maintenance program of this State, a change in vehicle technology or other relevant change. If an update is required, the time for development will be agreed upon by the Department and the manufacturer. If an update of software is required, the time within which the updated software must be developed will be agreed upon by the Department and manufacturer.

3. *Any service performed on an analyzer pursuant to subsection 2 shall be deemed not to be complete, and the analyzer shall be deemed not to have been serviced or repaired and not to be acceptable, until the analyzer performs in compliance with all requirements of the Department. Only parts designed for the purpose they are being used, and warranted as new, may be used in the repair of an analyzer. Regardless of whether the qualified repair technician repairs the analyzer on-site or off-site, the operator of the test station is not liable for any costs associated with the repair of broken equipment, including, without limitation,*

unhooking, disassembling, packaging, crating, repairing, transporting, replacing, reassembling or rewiring, except for costs resulting from negligence on behalf of the operator of the test station or his employees.

4. If the manufacturer of an exhaust gas analyzer violates any provision of subsection 2, the Department may, pursuant to NRS 445B.835, impose an administrative fine of \$1,000. Each day upon which such a violation occurs constitutes a separate violation.