

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

**LCB File No. R068-05**

Effective September 1, 2006

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

AUTHORITY: §§1-8, NRS 445B.785.

A REGULATION relating to vehicle emissions; revising the provisions governing the control of emissions; and providing other matters properly relating thereto.

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

*1. The owner of a motor vehicle subject to registration in this State that requires testing for compliance with standards for emission control pursuant to this chapter and chapter 445B of NRS, but whose vehicle is temporarily being used and maintained in another state that also requires the testing of motor vehicles for compliance with standards for emission control, must submit with his application for registration or renewal of registration:*

*(a) Proof of compliance with the standards for emission control in the state in which the vehicle is temporarily being used and maintained; or*

*(b) A waiver from such testing based on the standards for waiver applicable in the state in which the vehicle is temporarily being used and maintained.*

*2. If the registered owner of a vehicle subject to this section fails to comply with the provisions of subsection 1, the Department may, after notice and an opportunity for a hearing, suspend or cancel the registration of the vehicle.*

**Sec. 2.** NAC 445B.400 is hereby amended to read as follows:

445B.400 The provisions of NAC 445B.400 to 445B.735, inclusive, *and section 1 of this regulation* provide the standards for controlling engine emissions.

**Sec. 3.** NAC 445B.579 is hereby amended to read as follows:

445B.579 Any motor vehicle which is manufactured on or after January 1, 1981, and subject to inspection in accordance with the provisions of chapter 445B of NRS and the table set forth in NAC 445B.596, as a condition of compliance with the inspection, must have a catalytic converter, fuel inlet restricter, air injection system, exhaust gas recirculation ~~[valve]~~ *system* and fuel inlet cap if the motor vehicle was originally equipped by the manufacturer with such equipment. The equipment required by this section must be installed and *appear to be* properly operating in accordance with the specifications for emission control of the manufacturer of the motor vehicle.

**Sec. 4.** NAC 445B.580 is hereby amended to read as follows:

445B.580 1. Except as otherwise provided in subsection 4, the provisions of this section apply to inspections of:

(a) All motor vehicles with a model year of 1968 to 1995, inclusive; and

(b) With regard to motor vehicles with a model year of 1996 or newer, all heavy-duty motor vehicles.

2. After the owner or operator of a motor vehicle subject to the provisions of this section requests an inspection, an approved inspector shall follow the sequence of prompts displayed by the exhaust gas analyzer when conducting the inspection. While the vehicle is at normal operating temperature, the inspector shall connect the exhaust gas analyzer to the vehicle following the sequence of instructions programmed into the analyzer. The probe of the analyzer

must be placed in the exhaust pipe of the vehicle. With the engine speed increased to 2,500 revolutions per minute, a steady level of carbon monoxide and hydrocarbons must be recorded by the analyzer. The engine speed must be returned to idle and a steady level of carbon monoxide and hydrocarbons must be recorded. If the vehicle is equipped with dual exhaust pipes, a test must be completed on both exhaust pipes and the average level of carbon monoxide and hydrocarbons must be recorded when the engine speed is increased to 2,500 revolutions per minute and when the engine speed is returned to idle.

3. The inspector shall visually inspect:

(a) The exhaust system to determine whether or not there is smoke when idling and at 2,500 revolutions per minute; and

(b) The engine to determine whether or not there are blowby gases from the crankcase when idling and at 2,500 revolutions per minute.

4. The inspector shall:

(a) Visually inspect:

(1) All motor vehicles subject to the provisions of this section to determine the presence of a properly installed gas cap; and

(2) Each motor vehicle with a model year of 1981 to 1995, inclusive, and, with regard to motor vehicles with a model year of 1996 or newer, each heavy-duty motor vehicle, to determine the presence of an exhaust gas recirculation ~~[valve,]~~ *system*, catalytic converter, air injection system and fuel inlet restricter, and *to determine* whether that equipment appears to be operating in accordance with the specifications of the manufacturer of the vehicle; and

(b) Enter the results of the visual inspection into the analyzer.

5. The inspector shall complete each test and issue a vehicle inspection report indicating whether or not the vehicle passes the inspection.

6. The inspector shall issue a vehicle inspection report indicating that the vehicle did not pass the inspection if:

(a) The emissions from the vehicle exceed the maximum levels for carbon monoxide or hydrocarbons, or both, as prescribed in NAC 445B.596;

(b) Smoke or blowby is visible; or

(c) The vehicle does not meet the requirements of NAC 445B.579.

7. If a motor vehicle subject to the provisions of this section passes all portions of an inspection but has an improper gas cap or no gas cap, the owner or operator of the motor vehicle shall obtain a gas cap which is in accordance with the specifications of the manufacturer of the vehicle. The inspector shall inspect the new gas cap and certify its presence in a manner prescribed by the Department, and sign and date the failing vehicle inspection report beneath the gas cap tamper description. Such a vehicle inspection report may be used as evidence of compliance.

**Sec. 5.** NAC 445B.581 is hereby amended to read as follows:

445B.581 1. ~~[An]~~ *Except as otherwise provided in section 1 of this regulation, an inspection may be performed only at the established place of business by an approved inspector.*

2. An inspection of a motor vehicle subject to the provisions of NAC 445B.580 must be performed using an exhaust gas analyzer which is approved by the Department.

**Sec. 6.** NAC 445B.589 is hereby amended to read as follows:

445B.589 1. An inspector shall comply with the following procedure when testing a light-duty motor vehicle powered by a diesel engine:

(a) The test procedure must include, without limitation, a preparation phase, a tampering inspection phase and an opacity test phase.

(b) In the preparation phase:

(1) The vehicle must be placed on a dynamometer, the transmission must be placed in neutral and the vehicle must be properly restrained to prevent any rolling motion.

(2) The inspector may place an auxiliary cooling fan into position approximately 12 inches in front of the cooling system of the motor vehicle.

(3) The inspector shall then affix a smoke opacity meter which has been calibrated and zeroed to the exhaust system of the vehicle according to the recommendations of the manufacturer of the meter. Vehicles with dual exhaust configurations must have the smoke opacity meter attached to the exhaust pipe displaying the highest observed opacity.

(4) If an exhaust removal system is used, it must be installed so that all of the exhaust from the vehicle being tested is passed through the smoke opacity meter.

(c) In the tampering inspection phase, the inspector shall visually inspect:

(1) All vehicles with a model year of 1981 or newer to ensure that all equipment for emission control which is listed on the manufacturer's emission label is present and appears to be operational; and

(2) All vehicles to verify the presence of a properly installed fuel cap.

(d) During the opacity test phase, the inspector shall:

(1) Verify that the vehicle is at normal operating temperature before beginning the test. If the vehicle has cooled down below its normal operating temperature during its placement on the dynamometer, it must be operated until its normal operating temperature is reached.

(2) Test vehicles with varying engine sizes under the following speed and load conditions:

Number of Cylinders	Speed (± 4 miles per hour)	Load (± 1 horsepower)
4	40	7.0
6	40	15.0
8	40	30.0

(3) Maintain the required speed and load condition on the vehicle being tested for 10 seconds. The engine opacity must be stored and printed at the end of the 10-second interval.

2. The inspector shall issue a certificate of compliance indicating the results of the test. The printout from the opacity meter must be provided with the certificate of compliance. The test is complete if the vehicle passes the tampering inspection phase and the results of the opacity test phase comply with the standards set forth in NAC 445B.576. A vehicle which exceeds the opacity standards or which fails the tampering inspection phase must be considered to have failed the inspection and the inspector shall issue a certificate of compliance reflecting the failure.

3. A vehicle which ~~f~~:

~~—(a) Fails]~~ *fails* the tampering inspection phase *or the opacity test* must be repaired and ~~[reinspected.~~

~~—(b) Fails the opacity test must be repaired and~~ retested.

*4. If a motor vehicle subject to the provisions of this section passes all portions of an inspection but has an improper fuel cap or no fuel cap, the owner or operator of the motor vehicle shall obtain a fuel cap which is in accordance with the specifications of the manufacturer of the vehicle. The inspector shall inspect the new fuel cap and certify its presence in a manner prescribed by the Department, and sign and date the failing vehicle*

*inspection report beneath the fuel cap tamper description. Such a vehicle inspection report may be used as evidence of compliance.*

**Sec. 7.** NAC 445B.5895 is hereby amended to read as follows:

445B.5895 **1.** An authorized inspection station ~~[must]~~ **shall** provide a list of authorized stations to the owner or operator of a motor vehicle that fails an inspection. ~~[The Department will provide the list of authorized stations to each authorized inspection station in this State.]~~

**2.** *An authorized station shall provide a list of authorized stations to the owner or operator of a motor vehicle that fails an inspection if that station does not perform emission system repairs on that particular vehicle or if the vehicle is being removed from the authorized station before repairs have begun or have been completed.*

**3.** *The Department will provide or make available a list of authorized stations to each authorized inspection station and authorized station in this State by:*

*(a) Having a Department representative provide a copy of the list to a test station in conjunction with its monthly audit conducted pursuant to subsection 3 of NAC 445B.472.*

*(b) Posting and updating, at least twice monthly, an electronic copy of the list on the Department's website.*

**Sec. 8.** This regulation becomes effective on September 1, 2006.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File R068-05**

The Department of Motor Vehicles submits the following statement. The Department adopted regulations assigned LCB File R068-05, which pertain to Chapter 445B of the Nevada Administrative Code, a regulation relating to vehicle emissions; LCB File R068-05 revises provisions governing the control of emissions;

**Workshop Notice date: 06/20/2005**

<b><u>Workshop Dates</u></b> Tuesday, 07/12/2005 3:00 PM Community College of Southern Nevada Bldg B, Room 140 3200 Cheyenne Ave Las Vegas NV 89030	<b><u>Workshop Dates</u></b> Tuesday, 07/26/2005 3:00 PM Washoe County Library South Valleys Branch 15650A Wedge Pkwy Reno, NV 89511
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**Hearing Notice date: 10/25/2005**

<b><u>Hearing Dates</u></b> Tuesday, 11/29/2005 1:15 PM Washoe County Library Sparks Branch 1125 12 <sup>th</sup> Street Sparks, NV 89431	<b><u>Hearing Dates</u></b> Thursday, 12/01/2005 1:15 PM Clark County Library Jewelbox Theatre 1401 E Flamingo Road Las Vegas, NV 89119
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**Date of adoption by agency: May 4, 2006**

**Filing date: June 1, 2006**

**INFORMATIONAL STATEMENT**

**1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**

The Department of Motor Vehicles noticed public workshops for LCB File R068-05 on 06/20/2005 by posting at the Nevada State Library and Archives and at each office of the Department of Motor Vehicles. The Department of Motor Vehicles noticed public hearings for LCB File R068-05 on 10/25/2005 by posting at the Nevada State Library and Archives and at each office of the Department of Motor Vehicles. In counties where the Department does not maintain an office, Workshop and Hearing notices were posted at the main office of the public



libraries. Workshop and Hearing notices were also mailed to those persons who have requested to be placed on a special notice mailing list. On 10/27/2005 an electronic message was sent to emission analyzers at each emission station in Clark and Washoe County displaying the dates for the Public Hearings. Workshop and Hearing notices were also posted on the Department of Motor Vehicle's website.

A copy of written comments may be obtained by calling the Nevada Department of Motor Vehicles at (775) 684-4805, or by writing the Department's Compliance Enforcement Division at 555 Wright Way, Carson City, NV. 89711.

No comment or testimony was given by any member of the public at the Public Workshops and Public Hearings. No written comments by any member of the public were submitted to the Department.

**2. The number of persons who:**

**(a) Attended each workshop:**

<p><b><u>Workshop Dates</u></b> Tuesday, 07/12/2005 3:00 PM Community College of Southern Nevada Bldg B, Room 140 3200 Cheyenne Ave Las Vegas NV 89030 7 Persons Attended</p>	<p><b><u>Workshop Dates</u></b> Tuesday, 07/26/2005 3:00 PM Washoe County Library South Valleys Branch 15650A Wedge Pkwy Reno, NV 89511 5 Persons Attended</p>
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**(b) Attended each hearing:**

<p><b><u>Hearing Dates</u></b> Tuesday, 11/29/2005 1:15 PM Washoe County Library Sparks Branch 1125 12<sup>th</sup> Street Sparks, NV 89431 11 Persons Attended</p>	<p><b><u>Hearing Dates</u></b> Thursday, 12/01/2005 1:15 PM Clark County Library Jewelbox Theatre 1401 E Flamingo Road Las Vegas, NV 89119 8 Persons Attended</p>
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**(c) Testified at each hearing:**

**(d) Submitted to the agency written comments:**

Name	Representing	Date
Russ Lucas	Jiffy Smog	09/06/2005

**3. A description of how comment was solicited from affected businesses, a summary of their response and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from businesses through postings as outlined in question one, by direct mail to the Departments interested parties' list and a message sent to each emission analyzer at authorized emission stations.

A Public Hearing was held on 11/29/2005 at the Washoe County Library, Sparks Branch, 1125 12<sup>th</sup> Street, Sparks, NV 89431. Two individuals provided testimony. A summary of the testimony received at this Public Hearing follows:

Dolf Vankesteren representing Wayne's Automotive, Mooneys Automotive & Xpress Lube: Mr. Vankesteren asked where can advertised horsepower ratings can be located as required within the proposed language found in Section 6, NAC 445B.589.

Peter Krueger represents the Nevada Emission Testers Council: Mr. Krueger recommended that, for better consumer protection, additional language be added to the proposed language in NAC 445B.5895, which indicates the frequency that the 2G list is updated by the Department of Motor Vehicles. This will provide assurances to a motorist that the list is current.

A Public Hearing was held on 12/01/2005 at the Clark County Library, Jewelbox Theatre, 1401 E Flamingo Road, Las Vegas, NV 89119. A summary of the testimony received at this Public Hearing follows:

Peter Krueger represents the Nevada Emission Testers Council: Mr. Krueger recommends that the Department of Motor Vehicles implement a consistent method of distributing the 2G list, stating that Northern Region DMV staff delivers new lists monthly to emission stations during overt audits but not in the Southern Region. Mr. Krueger commented that the proposed language does not account for a station being able to obtain fresh lists electronically. And, that station operators and inspectors need to specifically know what the enforcement rules are for providing lists to motorists.

Written recommendations were received from Mr. Russ Lucas, who operates a number of emission stations in Clark County. Mr. Lucas noted that he is in favor of tougher speed & load requirements for emission testing light duty diesel motor vehicles. Mr. Lucas also recommended that an emission inspector should have authority to approve a failed emission test if the only reason for failure is a missing gas cap, which is replaced.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

After evaluating all of the recommendations submitted in writing and by testimony the following amendments to the proposed language have been submitted by the Department of Motor Vehicles.

Section 5: The proposed amendments to the dynamometer speed & load ratings used to perform light duty diesel emission inspections pursuant to Nevada Administrative Code 445B.589 have been deleted. The Department shall conduct further research to determine the potential of negative impacts heavier loads may have on the life span of existing dynamometers.

Section 7: A revision to the proposed language for the distribution of Authorized Station (2G Test & Repair) lists to emission stations has been submitted. The revision to the proposed language shall require a Department representative to deliver an updated 2G Test & Repair Authorized Station list in paper form to test stations each month. The Department shall update the 2G Test & Repair Authorized Station list located on the agency's website a minimum of two times each month.

**5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:**

**(a) Both adverse and beneficial effects; and**

**(b) Both immediate and long-term effects.**

There will be no immediate or long-term adverse or beneficial economic effects to the public due to the adoption of these regulations.

There will be no immediate or long-term adverse or beneficial economic effects to the emission testing industry due to the adoption of these regulations.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

**7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency;**

There are no other state or government agency regulations that the proposed regulation amendments duplicate.

**8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

No federal regulations regulate the same activity as the proposed regulation.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide or involve a new fee.