

LCB File No. R022-07

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

(This regulation was previously adopted as T021-06)

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

AUTHORITY: §1, NRS 445B.785(c)

A REGULATION relating to approved analyzers and their specifications, requirements for maintaining approved analyzers at test stations and other related matters.

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

NAC 445B.460 Test station: License required to operate; expiration of license; ratings; prohibited acts; location; servicing of fuel injection system. (NRS 445B.210, 445B.770, 445B.785)

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 must 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 *or NAC 445B.5805*, use an *NV2000* exhaust gas analyzer *and NV2000 analysis equipment* 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 a dynamometer and a smoke opacity meter that comply 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:

(a) Except as otherwise provided in this subsection, may test exhaust emissions but shall not, unless specifically authorized by the Commission, perform any installation, repair, diagnosis or adjustment to any component or system of a motor vehicle that affects exhaust emissions.

(b) May:

(1) Change oil;

(2) Replace an oil filter, air filter, fuel filter, external conventional or serpentine accessory drive belt or cooling system hose; and

(3) 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:

(I) Replace the spark plugs, secondary cables for the spark plugs, distributor cap, rotor, points or condenser of the vehicle; and

(II) Adjust the dwell and initial ignition timing of the engine of the vehicle, and the settings for idle speed if those settings are accessible.

(c) With regard to a vehicle with a model year of 1981 or newer, shall not perform any service or diagnostic action which has a direct effect on data stored in the vehicle computer which monitors how the engine, transmission or emission control system is operating, including, without limitation, the clearing of diagnostic trouble codes relating to the engine, transmission or emission control system.

5. An authorized inspection station shall not advertise any services which it provides for the testing of exhaust emissions with any services described in subparagraph (3) of paragraph (b) 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 in any business which manufactures, sells, repairs, rents or leases exhaust gas analyzers approved by the Department for the testing of exhaust emissions.

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

8. An authorized inspection station or class 1 fleet station must not be located immediately adjacent to any business which performs any installation, repair, diagnosis or adjustment of a component or system of a motor vehicle that affects exhaust emissions 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.

9. A facility that holds a license as an authorized inspection station or class 1 fleet station may perform the servicing of a fuel injection system only by using a method that:

(a) Utilizes a cleaning solvent for the fuel system that is registered as a fuel additive with the United States Environmental Protection Agency in accordance with the requirements of 40 C.F.R. Part 79;

(b) Introduces the cleaning solvent into the fuel tank and no other portion of the vehicle's fuel system or air intake system; and

(c) Does not involve the dismantling, removal or adjustment of any portion of the fuel system or air intake system other than the fuel inlet cap.

Section 2. NAC 445B.505 is hereby amended to read as follows:

NAC 445B.505 Availability of list of approved analyzers and their specifications. (NRS 445B.210, 445B.770, 445B.785) A list of approved exhaust gas analyzers, *diagnostic equipment* and specifications for those analyzers *and diagnostic equipment* will be on file with the Department. A copy of the list and specifications may be obtained by writing to:

Department of Motor Vehicles

Compliance Enforcement Division ~~[of Management Services and Programs]~~

555 Wright Way

Carson City, Nevada 89711

Section 3. NAC 445B.5052 is hereby amended to read as follows:

NAC 445B.5052 Approved analyzer. (NRS 445B.785)

1. A test station shall use an NV2000 exhaust gas analyzer *or NV2000 diagnostic equipment* to perform an inspection of a motor vehicle subject to the provisions of NAC 445B.580 *or 445B.5805.*

2. The Department will not enroll an exhaust gas analyzer *or diagnostic equipment* unless it is an ~~[NV2000]~~ exhaust gas analyzer *or diagnostic equipment approved by the Department to comply with NV2000 specifications.*

3. On and after September 30, 2006, an authorized inspection station or authorized station shall use an NV2000 exhaust gas analyzer that satisfies the requirements of subsection 2. On and after September 30, 2006, a representative of the Department will deactivate each NV2000 exhaust gas analyzer that is used by an authorized inspection station or authorized station if the gas analyzer does not satisfy the requirements of subsection 2. The Department will not authorize the reactivation of a gas analyzer until the gas analyzer complies with the requirements of subsection 2.

4. The provisions of subsections 2 and 3 are not applicable to a fleet station.

Section 4. NAC 445B.5065 is hereby amended to read as follows:

NAC 445B.5065 Manufacturer of approved analyzer: Required warranty. (NRS 445B.785)

1. The manufacturer of each *NV2000* exhaust gas analyzer approved by the Department shall provide written warranty to each purchaser or lessee of the analyzer. The warranty must provide complete coverage of:

(a) Parts and labor for all systems and components of the analyzer; and

- (b) All services provided by the manufacturer pursuant to NAC 445B.5075.
- 2. The warranty must include the:
 - (a) Name of the owner of the test station;
 - (b) Address and telephone number of the test station;
 - (c) Identification number of the test station; and
 - (d) Terms of the warranty.
- 3. The warranty must extend for at least 4 years with *an extended warranty offered at extra cost* ~~[guaranteed renewals provided]~~ for ~~[at least 2 years]~~ *the certification period of the NV2000 exhaust gas analyzer* at the request of the purchaser or lessee *if only one manufacturer has been approved.*

Section 5. NAC 445B.5075 is hereby amended to read as follows:

NAC 445B.5075 Manufacturer of approved analyzer: Required services; ~~[administrative fine for violations.]~~ (NRS 445B.785, 445B.835)

- 1. The manufacturer of an *NV2000* 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 *if only one manufacturer has been approved.*
- 2. The manufacturer or its authorized representative shall:
 - (a) Deliver, install, calibrate and verify the proper operating condition of the analyzer.
 - (b) 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, within 30 days after receiving an oral or written request from the operator of a test station, 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 on-site service calls by a qualified repair technician within ~~24~~ 1 business day~~s~~ after receiving an oral or written request 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 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 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 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. If *only one* ~~the~~ manufacturer of an exhaust gas analyzer *has been approved and that manufacturer* 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.

4. Section (e) and Section (f) of Subsection 2 of this regulation is hereby repealed, effective June 30, 2007.

5. A manufacturer of exhaust gas analyzers or diagnostic equipment that are approved by the Department must provide and maintain at no cost to the Department one exhaust gas analyzer or diagnostic equipment designed to test vehicles pursuant to NAC 445B.580 or NAC 445B.5805. Exhaust gas analyzers and diagnostic equipment provided to the Department shall be located at the following Nevada Department of Motor Vehicles locations:

*Compliance Enforcement Division
Emission Test Lab*

*Compliance Enforcement Division
Emission Test Lab*

305 Galletti Way

Reno, Nevada

2701 East Sahara Avenue

Las Vegas, Nevada

Section 6. NAC 445B.580 is hereby amended to read as follows:

NAC 445B.580 Inspection of vehicle: Procedure for certain vehicles with model year of 1995 or older and heavy-duty vehicles with model year of 1996 or newer. (NRS 445B.785)

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 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.]~~

Section 7. NAC 445B.5805 is hereby amended to read as follows:

NAC 445B.5805 Inspection of vehicle: Procedure for light-duty vehicles with model year of 1996 or newer. (NRS 445B.785)

1. The provisions *found within subsection 5* of this section apply to inspections of light-duty motor vehicles with a model year of 1996 or newer *inspected for emission compliance once activation of the Vehicle Information Database developed and operated by the Department of Motor Vehicles.*

2. After the owner or operator of a motor vehicle subject to the provisions of this section requests an inspection, the inspector shall *follow the sequence of prompts displayed by the approved exhaust gas analyzer or diagnostic equipment when conducting the inspection.*~~;~~

~~—(a) Turn the ignition switch to the off position for at least 12 seconds.~~

~~—(b) Locate the data link connector for the vehicle and connect the test equipment.~~

~~—(c) Visually inspect the operation of the malfunction illumination light while turning the ignition switch to the run position with the engine off.~~

~~—(d) Start the vehicle and, with the engine running, establish communication with the certified on-board diagnostic system installed in the vehicle.~~

~~(e) Visually inspect the vehicle to determine whether the malfunction illumination light is commanded on.~~

~~(f) Review the emission readiness code status.~~

~~(g) Retrieve all data trouble codes that are present.]~~

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

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

(a) The vehicle has a malfunction illumination light that fails to illuminate during a visual inspection while the ignition switch is turned to the run position with the engine off;

(b) The vehicle has its malfunction illumination light commanded on continuously;

(c) The vehicle has a data-link connector that is missing, has been tampered with or is inoperable, including related electrical circuitry;

(d) *The vehicle has a data-link connector that is not accessible, or cannot be located by the approved inspector performing the emissions test;*

~~(e)~~ (e) There is no serial data communication from the certified on-board diagnostic system installed in the vehicle;

~~(e)~~ (f) The vehicle has a model year of 2001 or newer and has more than one unset readiness indicator;

~~(f)~~ (g) The vehicle has a model year of 1996 to 2000, inclusive, and has more than two unset readiness indicators; or

~~(g)~~ (h) Smoke is visible in the exhaust emissions from the vehicle with the engine speed at idle.

5. A certificate of compliance number will not be assigned to nor a certificate of compliance fee associated with a vehicle inspection that does not pass areas applicable to Subsection 4(d), Subsection 4(f) or Subsection 4(g) of this regulation.