

## LCB File No. R129-07

### PROPOSED REGULATION OF THE DEPARTMENT OF MOTOR VEHICLES

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

AUTHORITY: NRS, 445B.210, NRS 445B.770, NRS 445B.785.

A REGULATION relating to vehicle emissions; revises requirements for pollution control devices on motor vehicles; and providing other matters properly relating thereto.

**Section 1.** NAC 445B.575 is hereby amended to read as follows:

**NAC 445B.575 Device to control pollution: General requirement; alteration or modification.** (NRS 445B.210, 445B.770, 445B.785)

1. Except as otherwise provided in this section, a person shall not:

(a) Sell, offer to sell, display *for sale*, ~~operate~~ *cause or allow the operation of* or leave standing any motor vehicle which is required by state or federal law to be equipped with a device *or devices* for the control of pollution unless the device *or devices* ~~is~~ *are* correctly installed and in operating ~~condition~~ *in accordance with the specifications of the vehicle manufacturer and any applicable state or federal statute or regulation.*

(b) Disconnect, alter or modify any such required device.

2. Except for NAC 445B.5815, the provisions of subsection 1 and NAC 445B.576 to 445B.582, inclusive, do not apply to an alteration or modification of a motor vehicle to use fuel other than gasoline or diesel fuel where the alteration or modification is effected without violating existing federal and state standards for the control of exhaust emissions.

3. ~~The provisions of subsection 1 do not apply to~~ *Any person that sells a vehicle as a wholesale transaction ~~between licensed dealers of motor vehicles~~ shall, prior to completion of the sale transaction, provide written disclosure to the purchaser notifying them of any device*

*or devices for the control of pollution that are not correctly installed and in operating condition in accordance with the specifications of the vehicle manufacturer and any applicable state or federal statute or regulation.*

4. The Department may inspect a licensed dealer of motor vehicles to determine compliance with this section. Such inspections *of motor vehicles displayed for retail sale to the public* must be conducted in accordance with:

*(a) ~~§~~Subparagraph (2) of paragraph (a) of subsection 4 of NAC 445B.580;*

*(b) NAC 445B.5805 inclusive with regards to vehicles equipped with a certified on-board diagnostic system pursuant to requirements found in NAC 445B.4092.; or*

*(c) The tampering inspection phase stated within NAC 445B.589.*

5. As used in this section, a “device for the control of pollution” includes, without limitation, a gasoline cap which meets the specifications of the manufacturer of the motor vehicle and seals the neck or pipe of the fuel filler.