

**APPROVED REGULATION OF THE
STATE SEALER OF CONSUMER EQUITABILITY**

LCB File No. R081-20

Filed December 29, 2020

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

AUTHORITY: §1, NRS 590.322; §§2 and 3, NRS 590.400; §§4 and 5, NRS 590.100.

A REGULATION relating to engine products; establishing a schedule of civil penalties for violating certain provisions relating to the advertising of motor vehicle fuel and petroleum products; updating certain information relating to specification standards for antifreeze adopted by reference; updating certain information relating to specification standards for certain fuels adopted by reference; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Sealer of Consumer Equitability to adopt regulations establishing a schedule of civil penalties for a violation of various statutory provisions relating to the advertising of motor vehicle fuel and petroleum products. (NRS 590.322) **Section 1** of this regulation sets forth the schedule of civil penalties.

Existing law requires antifreeze sold or offered for sale in this State to be licensed by the State Sealer of Consumer Equitability. (NRS 590.380) Existing regulations adopt by reference specification standards for antifreeze. (NAC 590.010, 590.035) **Sections 2 and 3** of this regulation update: (1) the title of the volume of specification standards, which includes the standard specifications for antifreeze; (2) the purchase price of the specification standard; (3) the purchase price of the volume of specification standards; and (4) the office locations of the Division of Consumer Equitability of the State Department of Agriculture where a copy of the volume of standards is available for inspection.

Existing law requires the State Department of Agriculture and the State Sealer of Consumer Equitability to adopt regulations regarding specification standards for certain fuels sold or offered for sale in this State. (NRS 590.070, 590.100) Existing regulations adopt by reference certain published standards and set forth where such standards are available for inspection or purchase. (NAC 590.041-590.070) **Section 4** of this regulation updates the office locations of the Division of Consumer Equitability of the State Department of Agriculture where a copy of each specification standard adopted by reference is available for inspection. **Section 5** of this regulation updates the purchase price of the specification standards adopted by reference for aviation fuel.

Section 1. Chapter 590 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Any person who violates a provision of NRS 590.160 to 590.330, inclusive, shall be subject to the following civil penalties:

(a) Except as otherwise provided in subsection 2, for a first offense, not less than \$25 and not more than \$100.

(b) For a second offense, not less than \$50 and not more \$500.

(c) For a third offense or subsequent offense, not less than \$100 and not more than \$1,000.

2. If the Division of Consumer Equitability of the State Department of Agriculture determines that a first offense was unintentional, the Division will issue a notice of warning in writing to the person without imposing a civil penalty if the person takes action to remedy the violation. The notice of warning must be in writing and set forth:

(a) The statute that was violated;

(b) The action necessary to remedy the violation; and

(c) The date by which the person must take action to remedy the violation before a civil penalty will be imposed.

↪ The failure to take action by the date set forth in the notice of warning constitutes a second offense subject to a civil penalty set forth in this section.

Sec. 2. NAC 590.010 is hereby amended to read as follows:

590.010 1. The specifications for antifreeze based on ethylene glycol and the specifications for antifreeze based on propylene glycol, including, without limitation, prediluted and concentrated antifreeze, contained in the most recent version of ASTM D3306, “Standard Specification for Glycol Base Engine Coolant for Automobile and Light-Duty Service,” set forth

in Volume 15.05, “Engine Coolants and Related Fluids; Halogenated Organic Solvents and Fire Extinguishing Agents ” ~~” *Industrial and Specialty Chemicals,*”~~ of the *Annual Book of ASTM Standards* published by ASTM International are hereby adopted by reference. Each new revision of that standard shall be deemed approved by the State Sealer of Consumer Equitability unless the revision is disapproved by the State Sealer of Consumer Equitability or his or her designee within 120 days after the date of publication of the revision by ASTM International. A copy of the standard is available for inspection pursuant to NAC 590.045 and may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania, 19428-2959, or at the Internet address <http://www.astm.org>, for the price of ~~“\$46.”~~ **\$52.**

2. Any other test method may be used if the State Sealer of Consumer Equitability determines that another method produces results equivalent to the results of the specified method. A method approved by ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.

Sec. 3. NAC 590.035 is hereby amended to read as follows:

590.035 Volume 15.05, “Engine Coolants and Related Fluids; Halogenated Organic Solvents and Fire Extinguishing Agents ” ~~” *Industrial and Specialty Chemicals,*”~~ of the *Annual Book of ASTM Standards*, is available for inspection at the ~~“office”~~ **offices** of the State Department of Agriculture, Division of Consumer Equitability, ~~“2150 Frazer Avenue,”~~ **405 South 21st Street**, Sparks, Nevada 89431, ~~“and”~~ 2300 ~~“McLeod Street,”~~ **East Saint Louis Avenue**, Las Vegas, Nevada 89104 ~~“,”~~ **and 4780 East Idaho Street, Elko, Nevada 89801.** The volume may be purchased at a cost of ~~“\$190.”~~ **\$211** for a printed copy and ~~“\$256.”~~ **\$276** for an electronic copy from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, or at the Internet address <http://www.astm.org>.

Sec. 4. NAC 590.045 is hereby amended to read as follows:

590.045 A copy of each standard adopted by reference pursuant to NAC 590.041 to 590.070, inclusive, is available for inspection at the offices of the State Department of Agriculture, *Division of Consumer Equitability* located at 405 South 21st Street, Sparks, Nevada 89431, ~~and~~ 2300 ~~McLeod Street,~~ *East Saint Louis Avenue*, Las Vegas, Nevada 89104 ~~},~~ *and 4780 East Idaho Street, Elko, Nevada 89801.*

Sec. 5. NAC 590.055 is hereby amended to read as follows:

590.055 1. The State Sealer of Consumer Equitability hereby adopts by reference the most recent ~~specifications for aviation fuel~~ *version of the following standards* contained in ~~Volume 05.01, "Petroleum Products and Lubricants (I)," of~~ the *Annual Book of ASTM Standards* ~~},~~ :

(a) ASTM ~~designations~~ D910, "Standard Specification for Leaded Aviation Gasolines ~~},~~" ; and

(b) *ASTM* D1655, "Standard Specification for Aviation Turbine Fuels."

↪ Each new revision of these standards shall be deemed approved by the State Sealer of Consumer Equitability unless the revision is disapproved by the State Sealer of Consumer Equitability or his or her designee within 120 days after the date of publication of the revision by ASTM International. A copy of the standards are available for inspection pursuant to NAC 590.045 and may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania, 19428-2959, or at the Internet address <http://www.astm.org>, for the price of ~~46~~ *52* for ASTM D910 and ~~67~~ *69* for ASTM D1655.

2. Any other test method may be used if the State Sealer of Consumer Equitability determines that another method produces results equivalent to the results of the specified

method. A method approved by ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.