

**PROPOSED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R154-22**

September 6, 2022

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

AUTHORITY: §§ 1-16 and 18, NRS 445B.210 and 445B.760; § 17, NRS 445B.760 and 445B.835.

A REGULATION relating to air pollution; revising certain definitions relating to emissions standards; revising certain model years to which certain emissions standards of the State of California previously adopted by the State of Nevada apply; adopting by reference certain emissions standards of the State of California and related provisions of California law for certain model years; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Under existing federal law, the United States Environmental Protection Agency (EPA) may grant the State of California a waiver to adopt emissions standards other than those set forth in the Clean Air Act, 42 U.S.C. § 7521, as long as such standards are at least as protective of public health and welfare as the standards adopted by the Federal Government and if the Administrator of the EPA determines that the adoption of such standards was not arbitrary and capricious or that the standards are not necessary to meet compelling and extraordinary circumstances. (42 U.S.C. § 7543) Existing federal law also authorizes the remaining states to adopt emissions standards for new motor vehicles if: (1) the standards are identical to those standards adopted by California which have been granted a waiver by the EPA; and (2) the standards are adopted at least 2 years before the commencement of the applicable model year. (42 U.S.C. § 7507) The State of California has previously adopted emissions standards for new motor vehicles up to model year 2025 and is currently considering the adoption of emissions standards for model year 2026 and subsequent model years, known as Advanced Clean Cars II. (Cal. Code Regs. tit. 13, §§ 1900 et seq.; 15-Z Cal. Regulatory Notice Reg. 426)

Existing law authorizes the State Environmental Commission to prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines. (NRS 445B.760) Existing regulations, beginning with model year 2025: (1) adopt emissions standards that are identical to those adopted by California; (2) prohibit manufacturers from exceeding the fleet average non-methane organic gas plus oxides of nitrogen and greenhouse gas emissions standards set by California; and (3) adopt requirements for the sale of zero emissions vehicles consistent with the requirements for such vehicles adopted by California. (NAC 445B.780-445B.846) This regulation: (1) revises those existing provisions

such that the emissions standards and provisions of California law previously adopted do not apply to model year 2026; and (2) adopts the emissions standards known as Advanced Clean Cars II that are identical to those adopted by California for model year 2027 and subsequent model years.

**Sections 1, 4, 6, 11, 12 and 15-17** of this regulation revise the model years to which the California emissions standards and related requirements apply.

**Sections 2 and 3** of this regulation revise the definitions of “light-duty truck” and “medium-duty vehicle” to be consistent with California law.

**Section 5** of this regulation revises certain provisions of California law that are adopted by reference.

Existing regulations: (1) prohibit manufacturers of passenger cars, light-duty trucks and medium-duty vehicles from exceeding the fleet average non-methane organic gas plus oxides of nitrogen and greenhouse gas emission standards established by California and adopted by reference; and (2) provide that a manufacturer may earn and utilize credits and debits for the sale of vehicles in this State in accordance with California law. (NAC 445B.820, 445B.822) Existing regulations further require manufacturers to submit annual reports to the State Department of Conservation and Natural Resources detailing the non-methane organic gas plus oxides of nitrogen or greenhouse gas emissions of the manufacturer’s fleet produced and delivered for sale in this State. (NAC 445B.824, 445B.826) **Sections 7-10** of this regulation establish these requirements for model year 2027 and subsequent model years and update certain terms consistent with California.

Existing California law requires zero emission vehicles (ZEV) to be certified by the Executive Officer of the California Air Resources Board and requires manufacturers to meet a minimum ZEV credit requirement for the production and delivery of zero emission vehicles in the state. (Cal. Code Regs. tit. 13, §§ 1962.2, 1962.4) Existing regulations require: (1) all zero emission vehicles produced and delivered for sale in this State to be certified as zero emission vehicles under California law; and (2) manufacturers to comply with the minimum ZEV credit requirement for the sale of zero emission vehicles set forth in California law. (NAC 445B.838) **Section 13** of this regulation establishes these requirements for model year 2027 and subsequent model years and require model years 2027 and subsequent model years to meet certain ZEV requirements in accordance with California law.

Existing regulations: (1) authorize manufacturers to earn early action credits for model years 2022, 2023 and 2024 for certain vehicles produced and delivered for sale in this State beginning on January 1, 2022; (2) require manufacturers to open an account in the California ZEV Credit Reporting and Tracking System for ZEV credits in this State; (3) set forth the requirements for the calculation of initial ZEV credits in this State and restrictions on the use of these credits for the 2025 and 2026 model years; and (4) require manufacturers to submit an annual report of ZEV credits generated or transferred for each vehicle sold in this State. (NAC 445B.840-445B.844) **Sections 14-16** of this regulation: (1) revise these requirements such that ZEV credits are neither used nor earned in model year 2026; (2) establish these requirements for model year 2027 and subsequent model years; and (3) update the term “ZEV credit” to “ZEV value” beginning with model year 2027 consistent with California law.

Existing regulations provide that a manufacturer who fails to meet its credit obligation for the sale of zero emission vehicles in this State must make up the credit deficit by the next model year or the manufacturer may be subject to a civil penalty. (NAC 445B.846) **Section 17** of this

regulation establishes this requirement for a manufacturer's ZEV value obligation beginning in model year 2027.

**Section 18** of this regulation provides that the State Department of Conservation and Natural Resources shall not enforce the provisions of this regulation for model years 2027 and subsequent model years unless: (1) the Advanced Clean Cars II regulations have been adopted by the State of California; (2) the EPA has granted a waiver pursuant to 42 U.S.C. § 7543 for the Advanced Clean Cars II regulations; and (3) the requirements for model years 2027 and subsequent model years are adopted and filed with the Secretary of State not later than 2 years before the release of vehicles for that model year.

**Section 1.** NAC 445B.780 is hereby amended to read as follows:

445B.780 The provisions of NAC 445B.780 to 445B.846, inclusive, set forth the emissions standards for motor vehicles in this State ~~beginning with~~ *for* model year 2025 ~~+~~, *model year 2027 and subsequent model years.*

**Sec. 2.** NAC 445B.796 is hereby amended to read as follows:

445B.796 "Light-duty truck" means:

1. Any motor vehicle that is:

(a) Certified to the standards set forth in section 1961(a)(1), ~~or~~ 1961.2 *or 1961.4* of Title 13 of the *California Code of Regulations*, as applicable, which are adopted by reference pursuant to NAC 445B.816; and

(b) Rated at 8,500 pounds gross vehicle weight or less; or

2. Any motor vehicle that is rated at 6,000 pounds gross vehicle weight or less that is:

(a) Designed primarily to transport property or is a derivative of such a vehicle; or

(b) Available with special features enabling off-street or off-highway operation and use.

**Sec. 3.** NAC 445B.799 is hereby amended to read as follows:

445B.799 "Medium-duty vehicle" means any heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle that:

1. Is certified to the standards in section 1961(a)(1), 1961.2, *1961.4*, 1962, ~~1962.1~~ *or 1962.2* of Title 13 of the *California Code of Regulations*, as applicable, which are adopted by reference pursuant to NAC 445B.816; and

2. Has a manufacturer's gross vehicle weight rating of at least 8,501 pounds but not more than 14,000 pounds.

**Sec. 4.** NAC 445B.814 is hereby amended to read as follows:

445B.814 1. Except as otherwise provided in subsection 2 and NAC 445B.840, the provisions of NAC 445B.780 to 445B.846, inclusive, apply to all 2025 ~~and later~~ model year ~~+~~ *, 2027 model year and subsequent model year:*

(a) Motor vehicles offered for sale or lease in this State or sold or leased for registration in this State that are:

- (1) Passenger cars;
- (2) Light-duty trucks;
- (3) Medium-duty passenger vehicles; or
- (4) Medium-duty vehicles;

(b) Motor vehicle engines offered for sale in this State that will be installed in:

- (1) Passenger cars;
- (2) Light-duty trucks;
- (3) Medium-duty passenger vehicles; or
- (4) Medium-duty vehicles; and

(c) Motor vehicles sold or leased to the United States government or an agency thereof or to the State of Nevada or a political subdivision thereof that are or will be registered in this State that are:

- (1) Passenger cars;
- (2) Light-duty trucks;
- (3) Medium-duty passenger vehicles; or
- (4) Medium-duty vehicles.

2. The provisions of NAC 445B.780 to 445B.846, inclusive, do not apply to:

(a) A vehicle acquired by a resident of this State for the purpose of replacing a vehicle registered to the resident which was damaged, became inoperative beyond reasonable repair or was stolen while out of this State, provided that the replacement vehicle is acquired outside of this State at the time the previously owned vehicle was either damaged, became inoperative or was stolen, as applicable;

(b) A vehicle transferred by inheritance;

(c) A vehicle transferred by court decree;

(d) Any vehicle that has a certificate of conformity issued pursuant to the Clean Air Act, 42 U.S.C. §§ 7401 et seq., that was originally registered in another state by a person who subsequently established residency in this State and who, upon registration of the vehicle in this State, provides satisfactory evidence to the Department of Motor Vehicles or its designee of the previous residence and registration;

(e) Any vehicle with 7,500 miles or more of use as of the date of sale or lease;

(f) Any vehicle designated as an authorized emergency vehicle pursuant to NRS 484A.480;  
and

(g) Any vehicle that meets the definition of a military tactical vehicle pursuant to NRS 445B.759.

**Sec. 5.** NAC 445B.816 is hereby amended to read as follows:

445B.816 1. The following provisions of Title 13 of the *California Code of Regulations* are hereby adopted by reference:

- (a) Section 1900, as it existed on January 1, ~~2020;~~ **2023;**
- (b) Section 1956.8(h), as it existed on January 1, ~~2020;~~ **2023;**
- (c) Section 1960.1, as it existed on January 1, ~~2020;~~ **2023;**
- (d) Section 1961, as it existed on January 1, ~~2020;~~ **2023;**
- (e) Section 1961.1, as it existed on January 1, ~~2020;~~ **2023;**
- (f) Section 1961.2, as it existed on January 1, ~~2020;~~ **2023;**
- (g) Section 1961.3, as it existed on January 1, ~~2020;~~ **2023;**
- (h) ***Section 1961.4, as it existed on January 1, 2023;***
- (i) Section 1962, as it existed on January 1, ~~2020;~~  
~~(i)~~ **2023;**
- (j) Section 1962.1, as it existed on January 1, ~~2020;~~  
~~(j)~~ **2023;**
- (k) Section 1962.2, as it existed on January 1, ~~2020;~~  
~~(k)~~ **2023;**
- (l) Section 1962.3, as it existed on January 1, ~~2020;~~  
~~(l)~~ **2023;**
- (m) ***Section 1962.4, as it existed on January 1, 2023;***
- (n) ***Section 1962.5, as it existed on January 1, 2023;***
- (o) ***Section 1962.6, as it existed on January 1, 2023;***
- (p) ***Section 1962.7, as it existed on January 1, 2023;***
- (q) ***Section 1962.8, as it existed on January 1, 2023;***

- (r) Section 1965, as it existed on January 1, ~~2020~~;  
~~(m)~~ 2023;
- (s) Section 1968.2, as it existed on January 1, ~~2020~~;  
~~(n)~~ 2023;
- (t) Section 1968.5, as it existed on January 1, ~~2020~~;  
~~(o)~~ 2023;
- (u) Section 1976, as it existed on January 1, ~~2020~~;  
~~(p)~~ 2023;
- (v) Section 1978, as it existed on January 1, ~~2020~~;  
~~(q)~~ 2023;
- (w) Section 2035, as it existed on January 1, ~~2020~~;  
~~(r)~~ 2023;
- (x) Section 2037, as it existed on January 1, ~~2020~~;  
~~(s)~~ 2023;
- (y) Section 2038, as it existed on January 1, ~~2020~~;  
~~(t)~~ 2023;
- (z) Section 2039, as it existed on January 1, ~~2020~~;  
~~(u)~~ 2023;
- (aa) Section 2040, as it existed on January 1, ~~2020~~;  
~~(v)~~ 2023;
- (bb) Section 2041, as it existed on January 1, ~~2020~~;  
~~(w)~~ 2023;
- (cc) Section 2046, as it existed on January 1, ~~2020~~;

- ~~(x)~~ 2023;
- (dd) Section 2062, as it existed on January 1, ~~2020~~;
- ~~(y)~~ 2023;
- (ee) Section 2109, as it existed on January 1, ~~2020~~;
- ~~(z)~~ 2023;
- (ff) Section 2111, as it existed on January 1, ~~2020~~;
- ~~(aa)~~ 2023;
- (gg) Section 2112, as it existed on January 1, ~~2020~~;
- ~~(bb)~~ 2023;
- (hh) Section 2113, as it existed on January 1, ~~2020~~;
- ~~(ee)~~ 2023;
- (ii) Section 2114, as it existed on January 1, ~~2020~~;
- ~~(dd)~~ 2023;
- (jj) Section 2115, as it existed on January 1, ~~2020~~;
- ~~(ee)~~ 2023;
- (kk) Section 2116, as it existed on January 1, ~~2020~~;
- ~~(ff)~~ 2023;
- (ll) Section 2117, as it existed on January 1, ~~2020~~;
- ~~(gg)~~ 2023;
- (mm) Section 2118, as it existed on January 1, ~~2020~~;
- ~~(hh)~~ 2023;
- (nn) Section 2119, as it existed on January 1, ~~2020~~;
- ~~(ii)~~ 2023;



- (oo) Section 2120, as it existed on January 1, ~~2020~~;  
~~(jj)~~ 2023;
- (pp) Section 2121, as it existed on January 1, ~~2020~~;  
~~(kk)~~ 2023;
- (qq) Section 2122, as it existed on January 1, ~~2020~~;  
~~(ll)~~ 2023;
- (rr) Section 2123, as it existed on January 1, ~~2020~~;  
~~(mm)~~ 2023;
- (ss) Section 2124, as it existed on January 1, ~~2020~~;  
~~(nn)~~ 2023;
- (tt) Section 2125, as it existed on January 1, ~~2020~~;  
~~(oo)~~ 2023;
- (uu) Section 2126, as it existed on January 1, ~~2020~~;  
~~(pp)~~ 2023;
- (vv) Section 2127, as it existed on January 1, ~~2020~~;  
~~(qq)~~ 2023;
- (ww) Section 2128, as it existed on January 1, ~~2020~~;  
~~(rr)~~ 2023;
- (xx) Section 2129, as it existed on January 1, ~~2020~~;  
~~(ss)~~ 2023;
- (yy) Section 2130, as it existed on January 1, ~~2020~~;  
~~(tt)~~ 2023;
- (zz) Section 2131, as it existed on January 1, ~~2020~~;

- ~~—(uu)~~ 2023;
  - (aaa) Section 2132, as it existed on January 1, ~~2020~~;
- ~~—(vv)~~ 2023;
  - (bbb) Section 2133, as it existed on January 1, ~~2020~~;
- ~~—(ww)~~ 2023;
  - (ccc) Section 2134, as it existed on January 1, ~~2020~~;
- ~~—(xx)~~ 2023;
  - (ddd) Section 2135, as it existed on January 1, ~~2020~~;
- ~~—(yy)~~ 2023;
  - (eee) Section 2139, as it existed on January 1, ~~2020~~;
- ~~—(zz)~~ 2023;
  - (fff) Section 2141, as it existed on January 1, ~~2020~~;
- ~~—(aaa)~~ 2023;
  - (ggg) Section 2142, as it existed on January 1, ~~2020~~;
- ~~—(bbb)~~ 2023;
  - (hhh) Section 2143, as it existed on January 1, ~~2020~~;
- ~~—(ccc)~~ 2023;
  - (iii) Section 2144, as it existed on January 1, ~~2020~~;
- ~~—(ddd)~~ 2023;
  - (jjj) Section 2145, as it existed on January 1, ~~2020~~;
- ~~—(eee)~~ 2023;
  - (kkk) Section 2146, as it existed on January 1, ~~2020~~;
- ~~—(fff)~~ 2023;

(III) Section 2147, as it existed on January 1, ~~2020;~~

~~(ggg)~~ 2023;

(mmm) Section 2148, as it existed on January 1, ~~2020;~~

~~(hhh)~~ 2023;

(nnn) Section 2149, as it existed on January 1, ~~2020;~~ 2023; and

~~(iii)~~ (ooo) Section 2235, as it existed on January 1, ~~2020;~~ 2023.

2. For the purposes of applying the provisions of Title 13 of the *California Code of Regulations* adopted by reference in subsection 1, unless the context otherwise requires:

- (a) “California” means the State of Nevada;
- (b) “CARB” or “AIR Resources Board” means the Department; and
- (c) “Executive Officer” means the Director.

3. A copy of the provisions of the *California Code of Regulations*, as adopted by reference in subsection 1, may be obtained free of charge at the Internet address <https://www.oal.ca.gov>.

**Sec. 6.** NAC 445B.818 is hereby amended to read as follows:

445B.818 A person shall not sell or lease, offer for sale or lease, register, import, deliver, purchase, acquire or receive a 2025 *model year, 2027 model year* or subsequent model year new passenger car, light-duty truck, medium-duty passenger vehicle or medium-duty vehicle in this State which is not certified to the provisions of California emissions standards, as adopted by reference pursuant to NAC 445B.816, unless the car, truck or vehicle, as applicable, is:

- 1. Sold to another dealer;
- 2. Sold for the purpose of being wrecked or dismantled;
- 3. Sold exclusively for off-highway use; or
- 4. Sold for registration outside of this State.

**Sec. 7.** NAC 445B.820 is hereby amended to read as follows:

445B.820 1. ~~{Beginning with the 2025 model year, each}~~ **Each** manufacturer of passenger cars, light-duty trucks and medium-duty vehicles produced and delivered for sale in this State shall not exceed :

***(a) For model year 2025,*** the fleet average non-methane organic gas plus oxides of nitrogen emission standards set forth in section 1961.2 ***or 1961.4*** of Title 13 of the *California Code of Regulations*, as adopted by reference pursuant to NAC 445B.816 ~~{}~~ **;** ***and***

***(b) Beginning with model year 2027, the fleet average non-methane gas plus oxides of nitrogen emission standards set forth in section 1961.4 of Title 13 of the California Code of Regulations, as adopted by reference pursuant to NAC 445B.816.***

2. Each manufacturer ~~{subject to subsection 1}~~ may accrue and utilize credits and debits based upon the sales of vehicles by the manufacturer in this State ~~{}~~ **:**

***(a) If the manufacturer is subject to paragraph (a) of subsection 1,*** in accordance with the provisions set forth in section 1961.2 of Title 13 of the *California Code of Regulations*, as adopted by reference pursuant to NAC 445B.816 ~~{}~~ **;** ***and***

***(b) If the manufacturer is subject to paragraph (b) of subsection 1, in accordance with the provisions set forth in section 1961.4 of Title 13 of the California Code of Regulations, as adopted by reference pursuant to NAC 445B.816.***

**Sec. 8.** NAC 445B.822 is hereby amended to read as follows:

445B.822 1. ~~{Beginning with}~~ **For** the 2025 model year, ***the 2027 model year and subsequent model years,*** each manufacturer of passenger cars, light-duty trucks and medium-duty vehicles produced and delivered for sale in this State shall not exceed the fleet average

greenhouse gas emission standards set forth in section 1961.3 of Title 13 of the *California Code of Regulations*, as adopted by reference pursuant to NAC 445B.816.

2. Each manufacturer subject to subsection 1 may accrue and utilize credits and debits based upon the sales of vehicles by the manufacturer in this State in accordance with the provisions set forth in section 1961.3 of Title 13 of the *California Code of Regulations*, as adopted by reference pursuant to NAC 445B.816.

**Sec. 9.** NAC 445B.824 is hereby amended to read as follows:

445B.824 1. ~~{Beginning with}~~ *For* the 2025 model year, *the 2027 model year and subsequent model years*, each manufacturer must submit to the Department, not later than March 1 following the end of the model year, a report of the non-methane organic gas plus oxides of nitrogen exhaust emissions of the manufacturer's fleet produced and delivered for sale in this State for the applicable model year. The report must be prepared in the same format that this information is reported to CARB and in accordance with the requirements of this section.

2. If a manufacturer elects to report the information required pursuant to subsection 1 :

(a) *For model year 2025*, using the pooling provision set forth in section 1961.2 of Title 13 of the *California Code of Regulations*, as adopted by reference pursuant to NAC 445B.816, the manufacturer must report to the Department the information required pursuant to subsection 1 for the entire pool as well as for the portion specific to this State.

(b) *Beginning with model year 2027, using the pooling provision set forth in section 1961.4 of Title 13 of the California Code of Regulations, as adopted by reference pursuant to NAC 445B.816, the manufacturer must report to the Department the information required pursuant to subsection 1 for the entire pool as well as for the portion specific to this State.*

3. If the Department determines that a report submitted by a manufacturer pursuant to subsection 1 or 2 demonstrates that the manufacturer is not in compliance with NAC 445B.820, the Department shall require the manufacturer to submit a fleet average remediation report to the Department within 60 days after the manufacturer receives notice from the Department that the manufacturer is not in compliance. The report must:

- (a) Describe how the manufacturer intends to equalize any accrued debits;
- (b) Identify all vehicle models delivered for sale in this State, the corresponding certification levels of the vehicle models and the percentage of each vehicle model delivered for sale in this State and the state of California in relation to total fleet sales in each respective state; and
- (c) Describe how the manufacturer intends to achieve compliance with the fleet average non-methane organic gas plus oxides of nitrogen emission standard in future model years.

**Sec. 10.** NAC 445B.826 is hereby amended to read as follows:

445B.826 1. ~~{Beginning with}~~ *For* the 2025 model year, *the 2027 model year and subsequent model years*, each manufacturer must submit to the Department, not later than March 1 following the end of the model year, a report of the greenhouse gas exhaust of the fleet produced and delivered for sale in this State by the manufacturer for the applicable model year. The report must be prepared in the same format that this information is reported to CARB and in accordance with the requirements of this section.

2. If a manufacturer elects to report the information required pursuant to subsection 1 using option 2 for the calculation of fleet average carbon dioxide value set forth in section 1961.3(a)(5)(D) of Title 13 of the *California Code of Regulations*, as adopted by reference pursuant to NAC 445B.816, the manufacturer must report to the Department the information

required pursuant to subsection 1 for the entire pool as well as for the portion specific to this State.

3. If the Department determines that a report submitted by a manufacturer pursuant to subsection 1 or 2 demonstrates that the manufacturer is not in compliance with NAC 445B.822, the Department shall require the manufacturer to submit a fleet average remediation report to the Department within 60 days after the manufacturer receives notice from the Department that the manufacturer is not in compliance. The report must:

- (a) Describe how the manufacturer intends to equalize any accrued debts;
- (b) Identify all vehicle models delivered for sale in this State, the corresponding certification levels of the vehicle models and the percentage of each vehicle model delivered for sale in this State and the state of California in relation to total fleet sales in each respective state; and
- (c) Describe how the manufacturer intends to achieve compliance with the fleet average greenhouse gas emission standard for future model years.

**Sec. 11.** NAC 445B.832 is hereby amended to read as follows:

445B.832 1. For the purposes of enforcing or administering any federal or state law, order, regulation or rule relating to vehicular sources of emissions, an authorized representative of the Department or the Department of Motor Vehicles may enter any premises owned, operated, used, leased or rented by any new or used vehicle dealer in order to inspect any vehicle with a model year of 2025 , *model year of 2027* or *a later* ~~H~~ *model year*.

2. Nothing in the provisions of NAC 445B.780 to 445B.846, inclusive, limits the authority of the Department pursuant to NRS 445B.240 to enter and inspect premises.

**Sec. 12.** NAC 445B.834 is hereby amended to read as follows:

445B.834 1. ~~{Beginning with}~~ *For* model year 2025, *model year 2027 and subsequent model years*, each manufacturer of passenger cars, light-duty trucks, medium-duty vehicles and motor vehicle engines subject to the requirements of NAC 445B.780 to 445B.846, inclusive, must provide to the ultimate purchaser of the vehicle and each subsequent purchaser a warranty that complies with the requirements set forth in:

(a) Sections 2035, 2037 and 2038 of Title 13 of the *California Code of Regulations*, as adopted by reference pursuant to NAC 445B.816;

(b) Section 2040 of Title 13 of the *California Code of Regulations*, as adopted by reference pursuant to NAC 445B.816; and

(c) Section 2046 of Title 13 of the *California Code of Regulations*, as adopted by reference pursuant to NAC 445B.816.

2. Except as otherwise provided in this subsection, ~~{beginning with}~~ *for* model year 2025, *model year 2027 and subsequent model years*, each manufacturer of passenger cars, light-duty trucks, medium-duty vehicles and motor vehicle engines must include with each new vehicle or engine manufactured the emissions control system warranty statement that complies with the requirements of section 2039 of Title 13 of the *California Code of Regulations*, as adopted by reference pursuant to NAC 445B.816, except:

(a) A manufacturer may modify the emissions control system warranty statement as necessary to inform vehicle owners of the applicability of the warranty in this State.

(b) For the purpose of the documents required pursuant to section 2039(c) of Title 13 of the *California Code of Regulations*, as adopted by reference pursuant to NAC 445B.816, a manufacturer is only required to submit such documents upon request of the Department.

3. For the purposes of this section:



(a) “Subsequent purchaser” means any person who purchases a motor vehicle or motor vehicle engine after the ultimate purchaser.

(b) “Ultimate purchaser” means, with respect to any new motor vehicle or new motor vehicle engine, the first person who in good faith purchases a new motor vehicle or new motor vehicle engine for purposes other than resale.

**Sec. 13.** NAC 445B.838 is hereby amended to read as follows:

445B.838 1. ~~{Beginning with model year 2025, all}~~ **All** zero emission vehicles must be certified by the Executive Officer of CARB :

*(a) For model year 2025, in accordance with section 1962.2(a) of Title 13 of the California Code of Regulations, as adopted by reference pursuant to NAC 445B.816 ~~{H}~~ ; and*

*(b) Beginning with model year 2027, in accordance with section 1962.4(b) of Title 13 of the California Code of Regulations, as adopted by reference pursuant to NAC 445B.816.*

2. Each manufacturer of vehicles must comply with ~~{the}~~ :

*(a) For model year 2025, the* minimum ZEV credit percentage requirement for the sale of zero emission vehicles set forth in section 1962.2(b) of Title 13 of the *California Code of Regulations*, as adopted by reference pursuant to NAC 445B.816 ~~{H}~~ ; and

*(b) Beginning with model year 2027:*

*(1) The annual ZEV percentage requirement set forth in section 1962.4(c) of Title 13 of the California Code of Regulations, as adopted by reference pursuant to NAC 445B.816; and*

*(2) The ZEV requirements set forth in section 1962.4(d) of Title 13 of the California Code of Regulations, as adopted by reference pursuant to NAC 445B.816.*

**Sec. 14.** NAC 445B.840 is hereby amended to read as follows:

445B.840 1. A manufacturer may earn early action credits for any 2022, 2023 and 2024 model year range extended battery electric vehicles, neighborhood electric vehicles, transitional zero emission vehicles and zero emission vehicles the manufacturer produces and delivers for sale in this State on or after January 1, 2022, by reporting the total production and delivery of such vehicles to the Department at the end of the 2022, 2023 and 2024 model years.

2. Any early action credits earned for model years 2022, 2023 and 2024 pursuant to subsection 1 will be managed by the Department and deposited into the manufacturer's account in the California ZEV Credit Reporting and Data Tracking System for use ~~beginning~~ in model year 2025 , *model year 2027 and subsequent model years* in accordance with NAC 445B.842.

**Sec. 15.** NAC 445B.842 is hereby amended to read as follows:

445B.842 1. ~~Beginning with~~ *For* model year 2025, *model year 2027 and subsequent model years*, a manufacturer shall open an account in the California ZEV Credit Reporting and Data Tracking System for banking credits *and values* generated in this State. The manufacturer may deposit and earn ZEV credits *or values* for each qualifying vehicle delivered for sale in this State in accordance with this section and sections 1962.2(c), (d) and (g) *and 1962.4(e), (f) and (g)* of Title 13 of the *California Code of Regulations*, as adopted by reference pursuant to NAC 445B.816.

2. For use ~~beginning~~ in model year 2025, *model year 2027 and subsequent model years* the Department shall deposit into the manufacturer's account in the California ZEV Credit Reporting and Data Tracking System any early action credits earned by the manufacturer pursuant to NAC 445B.840.

3. For use beginning in model year ~~2026,~~ *2027*, once the manufacturer has satisfied all credit obligations for model years 2024 and earlier in California, the Department shall deposit

into the manufacturer's account in the California ZEV Credit Reporting and Data Tracking System a number of initial credits equal to the manufacturer's 2025 model year starting California credit balance multiplied by the number of new passenger cars and light-duty trucks the manufacturer produced and delivered for sale in this State in model year 2024 and divided by the number of new passenger cars and light-duty trucks that the manufacturer produced and delivered for sale in California in model year 2024.

**Sec. 16.** NAC 445B.844 is hereby amended to read as follows:

445B.844 ~~{On}~~

*1. For model year 2025, on or before September 1 ~~{of each year,}~~ of the calendar year following the close of the model year,* each manufacturer must submit to the Department a report detailing the credits generated or credits transferred to or from any manufacturer for each qualifying vehicle produced and delivered for sale in this State during the previous model year. The report must be prepared in the same format as the report submitted to CARB.

*2. Beginning with model year 2027, each manufacturer must annually submit a report to the Department before September 1 of the calendar year following the close of the model year in order to verify the compliance or deficit status for the model year. The report must be prepared in the same format as the report submitted to CARB.*

**Sec. 17.** NAC 445B.846 is hereby amended to read as follows:

445B.846 1. A manufacturer that fails to meet the credit obligation for the production and delivery of zero emission vehicles in this State in ~~{a given}~~ model year **2025**, must make up the credit deficit by submitting a commensurate amount of ZEV credits to the Director pursuant to and within the time specified in section 1962.2(g)(7) of Title 13 of the *California Code of Regulations*, as adopted pursuant to NAC 445B.816.

2. *A manufacturer that fails to meet the value obligation for the production and delivery of zero emission vehicles in this State beginning with model year 2027, must make up the value deficit by submitting a commensurate amount of ZEV values to the Director pursuant to and within the time specified in section 1962.4(h)(2) of Title 13 of the California Code of Regulations, as adopted pursuant to NAC 445B.816.*

3. If a manufacturer fails to submit an appropriate amount of ZEV credits *in model year 2025 or ZEV values beginning with model year 2027* as required pursuant to ~~subsection~~ *subsections 1 and 2* and does not make up the deficit, the Director must refer the matter to the Department of Motor Vehicles. The Department of Motor Vehicles may impose an administrative fine on the manufacturer pursuant to NRS 445B.835 for each motor vehicle sold by the manufacturer for which the manufacturer did not meet its credit *obligation for model year 2025 or value* obligation ~~§~~ *beginning with model year 2027*, as determined pursuant to subsection ~~§~~ *4*.

~~§~~ *4*. For the purposes of the administrative fine imposed by the Department of Motor Vehicles pursuant to subsection ~~§~~ *3*, the number of vehicles for which the manufacturer did not meet the ~~credit~~ :

*(a) Credit* obligation *in model year 2025*, is equal to the manufacturer's credit deficit, rounded to the nearest 1/100th and calculated according to the equation provided in section ~~§~~ *1962.2(g)(8)* of Title 13 of the *California Code of Regulations*, as adopted pursuant to NAC 445B.816, provided that the percentage of a manufacturer's ZEV requirement for a given model year that may be satisfied with transitional zero emission vehicles or credits from such vehicles may not exceed the percentages permitted under section 1962.2(b)(2) of Title 13 of the *California Code of Regulations*, as adopted by reference pursuant to NAC 445B.816.

*(b) Value obligation beginning in model year 2027, is equal to the manufacturer's value deficit for a given model year.*

**Sec. 18.** This regulation, LCB File No. R154-22, is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

1. The State Department of Conservation and Natural Resources shall not enforce the provisions of sections 1 to 17, inclusive, of this regulation for model year 2027 and subsequent model years unless:

(a) The State of California has adopted the amendments to the California emission standards for model year 2027 and subsequent model years, Cal. Code Regs. tit. 13, §§ 1900 et seq., known as Advanced Clean Cars II, as noticed in 15-Z Cal. Regulatory Notice Reg. 426;

(b) The United States Environmental Protection Agency has granted a waiver pursuant to 42 U.S.C. § 7543 to the State of California for the emissions standards set forth in the Advanced Clean Cars II regulations and adopted by the State of California; and

(c) The date this regulation is filed with the Secretary of State occurs at least 2 years before the release of vehicles for that model year.

2. The State Department of Conservation and Natural Resources shall post notice of the date on which the Department is authorized to begin enforcing the provisions of sections 1 to 17, inclusive, of this regulation for model year 2027 and subsequent model years pursuant to subsection 1 on the Internet website of the Department and make such other efforts to notify manufacturers of motor vehicles as the Director of the Department deems appropriate.