

**PROPOSED REGULATION OF THE DEPARTMENT OF MOTOR
VEHICLES AND PUBLIC SAFETY**

LCB File No. R079-98

June 18, 1998

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

AUTHORITY: §§2-48, NRS 445B.785.

Section 1. Chapter 445B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *“State electronic data transmission system” means the system that provides the transfer of data between individual exhaust gas analyzers in test stations and the department.*

Sec. 3. *“Vehicle inspection report” means a certificate that is:*

1. Printed by an exhaust gas analyzer connected to the state electronic data transmission system; and

2. Issued by an approved inspector in a test station.

Sec. 4. *A test station shall connect its exhaust gas analyzer to the state electronic data transmission system not later than 6 months after the date on which the state electronic data transmission system is activated by the department. The department will notify each test station of the date the state electronic data transmission system is activated.*

Sec. 5. *An authorized inspection station must 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.*

Sec. 6. *The owner of the test station is responsible for any act or omission of an approved inspector employed by the test station which is committed while the inspector is acting within the scope of his employment which would constitute a violation of chapter 445B of NRS or 445B of NAC.*

Sec. 7. NAC 445B.400 is hereby amended to read as follows:

445B.400 The provisions of NAC 445B.400 to 445B.735, inclusive, *and sections 2 to 6, inclusive, of this regulation* provide the standards for controlling engine emissions.

Sec. 8. NAC 445B.401 is hereby amended to read as follows:

445B.401 As used in NAC 445B.400 to 445B.735, inclusive, *and sections 2 to 6, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 445B.403 to 445B.455, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 9. NAC 445B.419 is hereby amended to read as follows:

445B.419 “Established place of business” means a permanent structure:

1. Owned either in fee or leased with sufficient space to test, inspect [,] or adjust, if needed, one or more motor vehicles for which a [certificate of compliance or evidence of compliance] *vehicle inspection report* may be issued; and
2. Large enough to accommodate the office or offices of a test station [or authorized maintenance station] to provide a safe place to keep the books, [certificates of compliance,] *vehicle inspection reports* and all other records of the station.

Sec. 10. NAC 445B.420 is hereby amended to read as follows:

445B.420 “Evidence of compliance” has the meaning ascribed to it in NRS 445B.730 [.] , *and includes, without limitation, a vehicle inspection report.*

Sec. 11. NAC 445B.426 is hereby amended to read as follows:

445B.426 “Heavy-duty motor vehicle” means:

1. A truck which has a gross *vehicle* weight *rating* of 8,500 pounds or more;
2. A motor vehicle which is designed for the transportation of persons and has a capacity of more than 15 persons; or
3. A motor home, mini motor home [.] or a camper mounted on a chassis.

Sec. 12. NAC 445B.432 is hereby amended to read as follows:

445B.432 “Light-duty motor vehicle” means:

1. A truck which has a gross *vehicle* weight *rating* of less than 8,500 pounds;
2. A motor vehicle which is subject to the laws of this state requiring registration, is capable of transporting persons [.] and has a capacity of 15 persons or less;
3. A van conversion; or
4. Any other motor vehicle which is powered by gasoline, except a heavy-duty motor vehicle.

Sec. 13. NAC 445B.451 is hereby amended to read as follows:

445B.451 “Standard” means a standard of performance [proposed or promulgated under] *adopted pursuant to* NAC 445B.400 to 445B.735, inclusive [.] , *and sections 2 to 6, inclusive, of this regulation.*

Sec. 14. NAC 445B.4525 is hereby amended to read as follows:

445B.4525 “Test station” [includes] *means* an authorized station, authorized inspection station [,] or a fleet station. [“Test station” does not include an authorized maintenance station.]

Sec. 15. NAC 445B.456 is hereby amended to read as follows:

445B.456 If any of the provisions of NAC 445B.400 to 445B.735, inclusive, *and sections 2 to 6, inclusive, of this regulation*, or any application thereof to any person, thing [,] or circumstance is held invalid, it is intended that such invalidity *will* not affect the remaining provisions, or their application, that can be given effect without the invalid provision [of] *or* application.

Sec. 16. NAC 445B.460 is hereby amended to read as follows:

445B.460 1. No person may engage in the business of issuing a [certificate of compliance] *vehicle inspection report* 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 the effective date of this regulation* expires [at midnight on December 31] *on September 30* of each calendar year.

(b) *Is issued on or after the effective date of this regulation* expires *one year after the last day of the month in which the license was originally issued*.

3. A test station shall 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 use an exhaust gas analyzer 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 use an exhaust gas analyzer that complies 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 may test exhaust emissions but shall not perform any installation, repair [,] or adjustment to devices [~~for the control of~~] *that affect* exhaust emissions [.] , *except the:*

(a) Changing of oil; and

(b) Replacement of an oil filter, air filter, fuel filter, belt or hose.

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

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

7. An authorized inspection station or class 1 fleet station must not be located immediately adjacent to any business which services or repairs motor vehicles 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; **[and]**

(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.

Sec. 17. NAC 445B.461 is hereby amended to read as follows:

445B.461 1. A license may be issued to the Federal Government or any state agency or political subdivision of the state to inspect motor vehicles owned by the state or political subdivision for the purpose of compliance with NAC 445B.400 to 445B.735, inclusive **[.] , and sections 2 to 6, inclusive, of this regulation.**

2. The Federal Government or any state agency or political subdivision, in complying with NAC 445B.400 to 445B.735, inclusive, *and sections 2 to 6, inclusive, of this regulation,* shall submit to the department annually a list, in a form prescribed by the department, of those motor vehicles which are assigned license plates issued by the department as described in NRS 482.368.

3. The holder of a license issued pursuant to subsection 1 is exempt from the requirements set forth in the following sections for the limited purposes indicated:

(a) Bond, NAC 445B.465;

(b) **[Certificates of compliance,]** *Vehicle inspection reports,* NAC 445B.583 to 445B.586, inclusive;

(c) Sign, NAC 445B.469; and

(d) Use of waiver, NAC 445B.590.

Sec. 18. NAC 445B.462 is hereby amended to read as follows:

445B.462 1. An application for a license to operate a test station [or an authorized maintenance station] must be filed [upon] on a form supplied by the department. The applicant must:

(a) Specify in writing the type of license and, if applicable, the class of license and the rating or ratings for which he is applying; and

(b) Furnish such proof as the director deems necessary to determine whether the applicant [qualifies] is qualified to operate a test station , [or an authorized maintenance station,] including , without limitation, proof that he is at least 18 years of age and has an established place of business in this state.

2. Before an application is approved, an authorized representative of the department will inspect the premises. The department will determine whether the premises and equipment comply with the requirements of the department and whether the persons employed by the applicant are adequately trained to perform the duties for which they are licensed, rated [,] or certified, as appropriate.

3. A license for:

(a) An authorized inspection station or class 1 fleet station will not be issued to an applicant unless he is a class 1 approved inspector or class 2 approved inspector, or he employs at least one class 1 approved inspector or class 2 approved inspector, with the rating or ratings for which the applicant is applying.

(b) An authorized station or class 2 fleet station will not be issued to an applicant unless he is a class 2 approved inspector, or he employs at least one class 2 approved inspector, with the rating or ratings for which the applicant is applying.

4. If the department is satisfied that the applicant for a license to operate a test station is entitled to a license, it will issue him a license to operate a test station. The license will [show] *set forth* the:

- (a) Name of the station;
- (b) Type and, if applicable, class of station;
- (c) Rating or ratings approved for the station;
- (d) Address of the [licensee's] established place of business [;] *of the licensee;* and
- (e) Date on which the license expires.

[5. A license for an authorized maintenance station will not be issued to an applicant unless he is a certified repair technician or he employs at least one certified repair technician.

6. If the department is satisfied that the applicant for a license to operate an authorized maintenance station is entitled to a license, it will issue him a license to operate an authorized maintenance station. The license will show the:

- (a) Name of the station;
- (b) Type of station;
- (c) Address of the licensee's established place of business; and
- (d) Date on which the license expires.]

Sec. 19. NAC 445B.463 is hereby amended to read as follows:

445B.463 1. Each of the following acts, omissions [,] and conditions may constitute a ground for the denial of an application for a license to operate a test station [or an authorized maintenance station] or for the revocation or suspension of such a license:

- (a) Failure of the applicant or licensee to have an established place of business in this state.

(b) Material misstatement on the application.

(c) Unfitness of the applicant or licensee, which includes, without limitation, a pattern of payment to the department with checks that are returned because of insufficient funds.

(d) The [applicant's] conviction of *the applicant or licensee of* a felony in [the State of Nevada] *this* or any other state, any territory of the United States [.] or in any other nation.

(e) The [applicant's] conviction *of the applicant or licensee* for violating any provision of NAC 445B.400 to 445B.735, inclusive [.] , *and sections 2 to 6, inclusive, of this regulation.*

(f) The [applicant's] conviction *of the applicant or licensee* for violating any provisions of chapter 598 of NRS relating to deceptive trade practices.

(g) Refusing to allow an agent of the department to inspect, during normal business hours, all books, records [.] and files of the test station [or authorized maintenance station] which are kept within this state. The department will treat the financial records and information obtained from an investigation as confidential and will reveal such records or information only to persons involved in the enforcement or administration of the regulations of the department, or as otherwise [provided] *required* by law.

(h) Commission of any fraudulent act, including, without limitation:

(1) Misrepresentation of a material fact in any manner, whether intentional or grossly negligent; and

(2) An intentional failure to disclose a material fact.

(i) Willful failure to comply with any regulation of the department.

2. In addition to the acts, omissions [.] and conditions set forth in subsection 1, any attempt to alter the readings obtained during a test of exhaust emissions or to modify or remove

the data obtained by an exhaust gas analyzer may constitute a ground for the revocation or suspension of a license to operate a test station.

3. An applicant or licensee may not reapply for a license after its denial, revocation [.] or suspension by the department:

(a) Until he has taken an action which removes the ground for the denial, revocation [.] or suspension; or

(b) Within 1 year after the denial, revocation [.] or suspension, whichever occurs first.

4. When the department determines that a licensee has engaged in conduct which is egregious or poses a serious risk to the public safety, the department may, in its discretion, permanently revoke the license of that licensee.

Sec. 20. NAC 445B.464 is hereby amended to read as follows:

445B.464 1. The applicant or licensee may, within 30 days after the receipt of the notice of denial or suspension or revocation, petition the director [of the department] in writing for a hearing which will be conducted by the director or his authorized representative.

2. Upon filing the petition, a date for the hearing will be fixed no longer than 20 days after the receipt of the request for hearing . [, and the] *The* applicant or licensee is entitled to be present at the hearing, testify in his own behalf and [to] have such other persons as he desires to be present to testify at the hearing.

3. Failure of the applicant or licensee to petition the director [of the department] in writing for a hearing within the 30-day period constitutes an automatic denial of the application or suspension or revocation of the license of the test station . [or authorized maintenance station.]

4. Within 10 days after the hearing, the director [of the department] or his authorized representative will:

- (a) Grant or finally deny the application; or
- (b) Suspend or revoke the license.

5. Notwithstanding the provisions of subsections 1 to 4, inclusive, the department may, if the director finds that the action is necessary *and* in the public interest, upon notice to the licensee, temporarily suspend or refuse to renew the license for a period not to exceed 30 days. For good cause, the director or his designee may extend the period of suspension of the license or continue to refuse to renew the license if he deems such action to be necessary *and* in the public interest. In any such case, a hearing must be held and a final decision rendered within 30 days after notice of the temporary suspension.

Sec. 21. NAC 445B.465 is hereby amended to read as follows:

445B.465 1. Before a license for an authorized station [,] *or* authorized inspection station [, *or authorized maintenance station*] is furnished to any person, the department will require that the applicant procure and file with the department a good and sufficient bond in the amount of \$1,000 for an authorized station or authorized inspection station . [, *or \$5,000 for an authorized maintenance station.*] Each bond must have a corporate surety thereon [,] *that is* licensed to do business within [*the State of Nevada,*] *this state and must be* approved as to form by the attorney general. In lieu of the foregoing, an applicant may place on deposit with the department:

- (a) Cash;
- (b) A bond issued by the United States; or

(c) A savings certificate in an amount equal to the bond requirement for the applicant [.] and conditioned that the applicant conducts his business as an authorized station [.] *or* authorized inspection station [., *or authorized maintenance station*] without fraud or fraudulent representation and without violation of the provisions of chapters 445A, 445B and 598 of NRS or NAC 445B.400 to 445B.735, inclusive [.] , *and sections 2 to 6, inclusive, of this regulation.*

2. The department may require an increase in the amount of the bond or deposit of a particular licensee if [it] *the department* deems it to be necessary *and* in the *public* interest . [of *the general public.*]

3. The undertaking in the bond or deposit must include , *without limitation*, any fraud or fraudulent representation or violation of any of the provisions of chapters 445A, 445B and 598 of NRS and NAC 445B.400 to 445B.735, inclusive, *and sections 2 to 6, inclusive, of this regulation*, by any approved inspector or employed agent for or on behalf of the authorized station [.] *or* authorized inspection station . [., *or authorized maintenance station.*]

4. The bond or deposit must provide that any person injured by the action of the licensee or employee acting on behalf of the licensee in violation of any provisions of chapters 445A, 445B [.] and 598 of NRS and NAC 445B.400 to 445B.735, inclusive, *and sections 2 to 6, inclusive, of this regulation* may bring an action on the bond.

5. Any money received by the department pursuant to this section will be deposited with the state treasurer for credit to the pollution control [fund.] *account.*

Sec. 22. NAC 445B.466 is hereby amended to read as follows:

445B.466 1. Liability under a bond which is filed or a deposit which is made with the department pursuant to NAC 445B.465 will be in an amount prescribed by the department.

2. The license of an authorized station [.] *or* authorized inspection station [, *or* authorized maintenance station] is automatically suspended if:

(a) The amount of the bond filed or the deposit made is reduced below the amount required by the department pursuant to NAC 445B.465; or

(b) There is an outstanding judgment for which the authorized station [.] *or* authorized inspection station [, *or* authorized maintenance station] is liable under the bond or deposit.

3. A license which is suspended pursuant to subsection 2 will be reinstated if the authorized station [.] *or* authorized inspection station : [, *or* authorized maintenance station:]

(a) Files an additional bond pursuant to subsection 1 of NAC 445B.465;

(b) Restores the deposit to its original amount; or

(c) Satisfies the outstanding judgment for which it is liable.

Sec. 23. NAC 445B.467 is hereby amended to read as follows:

445B.467 A bond which is filed or a deposit which is made with the department pursuant to NAC 445B.465 may be [released:

1. Upon the department's receipt of an order issued by a court of competent jurisdiction directing the director of the department to release all or a portion of the bond or deposit; or

2. Automatically 1 year after the date on which the business is terminated if no claim is presented.] :

1. *Disbursed by the director, for good cause shown and after notice and hearing, in an amount determined by the director to compensate a person injured by an action of the licensee.*

2. *Released by the director upon the receipt by the department of a statement:*

(a) *Signed by a person under whose name the bond or deposit is made;*

(b) *Acknowledged before any person authorized to take such acknowledgments in this state;*

(c) *Requesting that the director release the bond or deposit, or a specified portion thereof;*

and

(d) *Explaining the purpose for which the release of the bond or deposit is requested.*

3. *Refunded by the director:*

(a) *Automatically 1 year after the date on which the business is terminated if the director determines that there are no outstanding claims against the bond or deposit; or*

(b) *Pursuant to the order of a court of competent jurisdiction.*

Sec. 24. NAC 445B.468 is hereby amended to read as follows:

445B.468 A bond which is filed or a deposit which is made with the department pursuant to NAC 445B.465 covers [the authorized station, authorized inspection station, or authorized maintenance station which is the principal place of business of and] all authorized stations [,] *and* authorized inspection stations [, or authorized maintenance stations] owned by a person if all of his places of business are located in the county where his principal place of business is located.

Sec. 25. NAC 445B.469 is hereby amended to read as follows:

445B.469 1. An authorized station [,] *or* authorized inspection station [, or authorized maintenance station must] *shall* post in a conspicuous place in the station signs or placards provided by the department which:

(a) [Display] *Set forth* the fee for the emission control test;

(b) [State the amount of] *Set forth* the fee [currently required by law that is charged] for each [certificate] *vehicle inspection report* issued; and

(c) Provide information regarding the [state's] program *of this state* for the inspection and maintenance of motor vehicles.

2. In addition to the requirements of subsection 1, an authorized station [or authorized maintenance station] must post in a conspicuous place in the station signs or placards provided by the department which [state] *set forth* the hourly labor rate charged by [it.] *the authorized station.*

3. An authorized station [,] *or* authorized inspection station [, or authorized maintenance station] shall display at least one outdoor sign provided by the department which is posted so that it is visible from the middle of the nearest roadway adjacent to the station.

4. The department will collect a fee of \$15 for each sign posted by an authorized station [,] *or* authorized inspection station [, or authorized maintenance station.] *that is provided by the department.* The fee will be returned [when] *if* the sign is returned to the department in a reuseable condition.

5. An authorized station [,] *or* authorized inspection station [, or authorized maintenance station] shall pay the costs of repairing and maintaining signs which are in its control.

Sec. 26. NAC 445B.470 is hereby amended to read as follows:

445B.470 1. The license to operate a test station [or authorized maintenance station,] and all licenses issued to approved inspectors [and certificates issued to certified repair technicians,] must be displayed in a conspicuous place under glass or other transparent material within the test station . [or authorized maintenance station.]

2. Except as otherwise provided in subsection 3:

(a) A test station shall keep attached to its exhaust gas analyzer the [manufacturer's] quick reference guides *of the manufacturer* on hookup and testing procedures for its exhaust gas analyzer.

(b) A test station [or authorized maintenance station] shall have readily available to the approved inspector [or certified repair technician] a reference manual or equivalent information stating the emissions devices which are required by state and federal law to be installed on each type of motor vehicle that is inspected.

(c) An [authorized maintenance station,] authorized station [,] or class 2 fleet station shall have readily available to the [certified repair technician or] class 2 approved inspector reference information in the form of printed or electronic media explaining the operation and maintenance of the emission devices which are required by state and federal law to be installed on each type of motor vehicle.

3. A fleet station is not required to maintain the [manufacturer's] specifications or instructions *of the manufacturer* for any *motor* vehicles other than those *motor vehicles* used and serviced by the fleet station.

Sec. 27. NAC 445B.471 is hereby amended to read as follows:

445B.471 1. [No test station or authorized maintenance station may] *A test station shall not* intentionally publish, display [,] or circulate any advertising which is misleading or inaccurate in any material manner or misrepresent any of the services rendered to the public.

2. A test station shall not deceive a member of the public by misrepresenting the cost for any service rendered. Any advertisement, promotional material [,] or coupon published by or

on behalf of a test station that contains any reference to price or waiver of charges must clearly [state] *set forth* the total dollar amount to be paid by the customer in print that is comparable in size and style to all other print in the advertisement, promotional material [,] or coupon where price or waiver of charges is discussed. If a test station offers any service for no charge, it must specify, in print that is comparable in size and style and is located immediately adjacent to the print which states there is no charge, whether any costs will be incurred by the customer and for what reason. A test station may not use abbreviations of terms peculiar to the emissions industry in its advertising. The department will consider advertising to be deceptive if an ordinary and reasonable customer with no experience in the control of emissions could not understand the advertisement.

3. The department will provide a brochure for distribution to the general public which will explain the reasons and methods for the emission control inspection.

Sec. 28. NAC 445B.472 is hereby amended to read as follows:

445B.472 1. Each test station [or authorized maintenance station must] *shall* maintain and have available for collection, records of all inspections and repairs, as may be applicable, for evaluation of the information at the request of the department.

2. All records of [inspection or repairs of] *repairs performed at* a test station [or authorized maintenance station] must be maintained at the established place of business for 1 year.

3. The principal portion of the established place of business of a test station [or authorized maintenance station] must be open to inspection during usual business hours by any authorized agent of the department.

Sec. 29. NAC 445B.473 is hereby amended to read as follows:

445B.473 The holder of a license for a test station or his agent shall notify the department within 24 hours after a [certificate of compliance] *vehicle inspection report* has been lost or stolen.

Sec. 30. NAC 445B.474 is hereby amended to read as follows:

445B.474 1. [A] *Except as otherwise provided in subsections 2 and 3, a test station which does not employ an approved inspector of the appropriate [class and rating, and an authorized maintenance station which does not employ a certified repair technician, must:] rating shall:*

- (a) Immediately cease to operate as a test station ; [or an authorized maintenance station;]
- (b) Remove or cover its sign as a test station ; [or an authorized maintenance station;]
- (c) Not inspect any motor vehicle [and] *or* issue any [certificate of compliance;] *vehicle inspection report; and*
- (d) Immediately notify the department that an approved inspector of the appropriate [class and rating or a certified repair technician, as appropriate,] *rating* is not employed by the *test station*.

2. [If] *Except as otherwise provided in subsection 3, if* an approved inspector of the appropriate [class and rating or a certified repair technician, as appropriate,] *rating* is not employed within 60 days, the test station [or authorized maintenance station must] *shall* surrender its signs, its license as a test station [or authorized maintenance station,] and all *of* its forms and supplies to the department.

3. *Once within a period of 12 months, an authorized station that does not employ a class 2 approved inspector, but does employ a class 1 approved inspector of the appropriate rating, may continue to operate as an authorized station for 120 days if the department is notified within 2 working days after a class 2 approved inspector with the appropriate rating is no longer employed by the facility. If no class 1 approved inspector employed by the facility passes the examination of the department for a class 2 inspector within the 120-day period and no class 2 approved inspector is employed by the facility within the 120-day period, the authorized station shall:*

- (a) Immediately cease to operate as an authorized station;*
- (b) Remove or cover its sign as an authorized station;*
- (c) Not inspect any motor vehicle or issue any vehicle inspection report;*
- (d) Immediately notify the department that an approved inspector of the appropriate rating is not employed by the authorized station; and*
- (e) Surrender its signs, its license as an authorized station and all of its forms and supplies to the department.*

Sec. 31. NAC 445B.476 is hereby amended to read as follows:

445B.476 1. The failure of a licensee to comply with a directive of the director advising him of his noncompliance with any provision of NAC 445B.400 to 445B.735, inclusive [,] and sections 2 and 3 of **[this regulation,]** *LCB File No. R205-97 and sections 2 to 6, inclusive, of this regulation* within 10 days after his receipt of the directive is prima facie evidence of his willful failure to comply with the directive.

2. [When] *If* the license of a test station [or an authorized maintenance station] has been suspended for cause, the suspension will be no longer than 90 days. Upon suspension, the license of the test station [or authorized maintenance station] must be surrendered to the department.

3. [When] *If* the license of a test station [or an authorized maintenance station] has been revoked for any cause, except pursuant to NAC 445B.474, the principal officers of the test station [or authorized maintenance station] may not reapply for a license as a test station [or an authorized maintenance station] within 1 year after the date of the revocation. Upon revocation, the license of the test station [or authorized maintenance station] must be surrendered to the department.

Sec. 32. NAC 445B.478 is hereby amended to read as follows:

445B.478 1. A license for a class 1 fleet station or class 2 fleet station may be issued to an owner or lessee of a fleet of 25 or more motor vehicles.

2. Except as otherwise provided in NAC 445B.400 to 445B.735, inclusive, *and sections 2 to 6, inclusive, of this regulation*, a fleet station must meet all the requirements applicable to test stations in general.

3. A fleet station may inspect [and certify] only those motor vehicles which constitute its fleet and may issue [certificates of compliance for those fleet] *vehicle inspection reports for such* motor vehicles which are sold to the public.

Sec. 33. NAC 445B.489 is hereby amended to read as follows:

445B.489 The department may deny the issuance of, suspend [,] or revoke the license of an approved inspector if:

1. He fails to establish by satisfactory evidence to the department that he is employed by a test station with an appropriate rating.
2. He has knowingly made any false statement or concealed any material fact on his application for a license.
3. He knowingly submits false, inaccurate [,] or misleading information on a [certificate of compliance or in] *vehicle inspection report or any* other records submitted [,] *to the department.*
4. He fails to report in writing to the department every change in his place of employment or any termination of his employment within 10 days after the date of the change or termination.
5. He willfully or negligently issues a [certificate of compliance] *vehicle inspection report* which contains fraudulent information. The term “fraudulent” includes, but is not limited to, a backdated document, a postdated document [,] or a document based on anything other than actual physical inspection at the time of the issuance of the [certificate of compliance.] *vehicle inspection report.*
6. He does not follow the procedures for testing prescribed by the department.
7. He allows a [certificate of compliance] *vehicle inspection report* to be completed *or issued* by a person who is not an approved inspector.
8. He is incompetent to perform his duties.
9. He makes an inaccurate determination regarding a classification of a motor vehicle.

10. He fails to comply with any provision of NAC 445B.400 to 445B.735, inclusive [.] , and sections 2 and 3 of [this regulation] *LCB File No. R205-97 and sections 2 to 6, inclusive, of this regulation.*

11. He changes his place of employment, is required to use an exhaust gas analyzer which is different from the type used at his previous place of employment, and fails to provide to the department a certificate of competence issued by the manufacturer of the analyzer.

12. The department determines that an applicant or approved inspector is not lawfully entitled [thereto.] *to a license.*

13. He is convicted for violating the provisions of chapter 598 of NRS relating to deceptive trade practices.

14. He is unable to demonstrate proficiency in the verbal and written expression of the English language.

Sec. 34. NAC 445B.498 is hereby amended to read as follows:

445B.498 1. A person shall not perform any emission inspection for the purpose of issuing a [certificate of compliance] *vehicle inspection report* unless he is currently licensed by the department as an approved inspector.

2. Each license issued to an approved inspector expires 24 months after the date on which the license is issued.

3. Each approved inspector shall have one or both of the following license ratings:

(a) A “G” rating to perform two-speed emissions inspections on gasoline-powered motor vehicles using the procedures set forth in NAC 445B.580.

(b) A “D” rating to perform light-duty diesel emissions inspections using the procedures set forth in NAC 445B.589.

Sec. 35. NAC 445B.575 is hereby amended to read as follows:

445B.575 1. Except as otherwise provided in this section, a person shall not:

(a) Sell, offer to sell, display, operate [,] or leave standing any motor vehicle which is required by state or federal law to be equipped with a device for the control of pollution unless the device is correctly installed and in operating condition.

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

2. 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 a wholesale transaction between licensed dealers of motor vehicles.

4. The department may inspect a licensed dealer of motor vehicles to determine compliance with this section. Such inspections must be conducted in accordance with subparagraph (2) of paragraph (a) of subsection [2] 4 of NAC 445B.580.

5. [For the purposes of] *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.

Sec. 36. NAC 445B.579 is hereby amended to read as follows:

445B.579 [1.] Any motor vehicle which is manufactured on or after January 1, 1981, and subject to inspection in accordance with the provisions of chapter [445] 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 [,] and fuel inlet cap if the motor vehicle was originally equipped by the manufacturer with such equipment. The equipment required by this [subsection] section must be installed and properly operating in accordance with the specifications for emission control of the manufacturer of the motor vehicle.

[2. An authorized station shall not issue a certificate of compliance for any motor vehicle if the equipment required by subsection 1 is missing or inoperative until that equipment is restored to a proper operating condition or is replaced to manufacturer's specifications.]

Sec. 37. NAC 445B.580 is hereby amended to read as follows:

445B.580 1. After the owner or operator of a motor vehicle requests an inspection, an approved inspector shall follow the sequence of prompts displayed by the exhaust gas analyzer when conducting the inspection.

2. [The inspector shall:

(a) Visually inspect:

- (1) All motor vehicles to determine the presence of a properly installed gas cap; and
- (2) Each motor vehicle with a model year of 1981 or newer to determine the presence of an exhaust gas recirculation valve, catalytic converter, air injection system, and fuel inlet restricter, and 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.] *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 verify that the vehicle is at normal operating temperature and 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. *[While the vehicle is at normal operating temperature, the inspector shall connect the emissions analyzer to the vehicle following the sequence of instructions programmed into the analyzer. The probe of the analyzer must be placed in the tail 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.]

The inspector shall:

(a) Visually inspect:

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

(2) Each motor vehicle with a model year of 1981 or newer to determine the presence of an exhaust gas recirculation valve, catalytic converter, air injection system and fuel inlet restricter, and 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 [:

(a) Complete] complete each test and issue [an emission certificate] a vehicle inspection report indicating whether or not the vehicle passes the inspection . [; and

(b) Complete each emission certificate in its entirety.]

6. The inspector shall issue a [certificate] *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 [subsection 1 of] NAC 445B.579.

7. If a motor vehicle 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 **[issue a certificate]** *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. 38. NAC 445B.581 is hereby amended to read as follows:

445B.581 **[1. Except as otherwise provided in subsection 2, the inspections]** *An inspection* may be performed only at the established place of business by an approved inspector using an exhaust gas analyzer approved by the department.

[2. In all areas of Clark County requiring a program for the inspection of exhaust emissions, test stations may continue to use their existing exhaust gas analyzers until March 1, 1996. After that date, all test stations must perform two-speed emissions tests using an exhaust gas analyzer approved by the department.]

Sec. 39. NAC 445B.583 is hereby amended to read as follows:

445B.583 1. The primary use of a **[certificate of compliance or]** *vehicle inspection report is as* evidence of compliance **[is for the registration of a used motor vehicle as required by chapter 445B of NRS, requiring the submission of certificates of compliance or evidence of compliance]** with NAC 445B.400 to 445B.735, inclusive, **[and]** sections 2 and 3 of **[this regulation,]** *LCB File No. R205-97 and sections 2 to 6, inclusive, of this regulation for submission* to the department upon application for registration by an owner of a used motor vehicle.

2. All [certificates of compliance and any material] *materials* or documents which are used by a test station in its inspection program , *including, without limitation, vehicle inspection reports*, must be kept at the station.

Sec. 40. NAC 445B.584 is hereby amended to read as follows:

445B.584 1. Blank [certificates of compliance] *vehicle inspection reports* may be purchased only by a test station and may be obtained from the branch offices of the registration division of the department.

2. A test station shall not purchase or otherwise obtain blank [certificates of compliance] *vehicle inspection reports* from a source other than the department.

Sec. 41. NAC 445B.585 is hereby amended to read as follows:

445B.585 No person other than an approved inspector who is employed by a test station may [complete and sign a certificate of compliance.] *issue a vehicle inspection report*.

Sec. 42. NAC 445B.586 is hereby amended to read as follows:

445B.586 If a [certificate of compliance] *vehicle inspection report* is not required for registration by NAC 445B.592 to 445B.595, inclusive, [is issued] *or an inspection is performed* by an inspector who the department determines did not follow the correct procedures for inspection or is [issued] *performed* fraudulently, the authorized station or authorized inspection station [issuing the certificate must] *where the inspection was performed shall* remit to the bearer, upon demand, the amount of the fee for the inspection and [certificate.] *the vehicle inspection report*.

Sec. 43. NAC 445B.587 is hereby amended to read as follows:

445B.587 1. Equipment for the measurement of smoke opacity from light-duty motor vehicles powered by diesel engines must include a dynamometer and a smoke opacity meter.

2. The dynamometer must have:

(a) The capacity to absorb a minimum of [180] 100 horsepower.

(b) A mechanism for controlling the load that is capable of:

(1) Infinitely variable settings throughout the load and speed range from no-load to full-load;

(2) Being set at a load or speed and, until deactivated, maintaining a preset setting without additional input from the load controller; and

(3) Being operated in the following function modes:

(I) Constant speed;

(II) Constant torque;

(III) Constant horsepower; and

(IV) Manual absorber.

(c) Computer controls which include [:], *without limitation*:

(1) A model 286 12-megahertz central processing unit;

(2) A 256 kilobyte video graphic array color card;

(3) A 1.44 megabyte floppy drive;

(4) Five hundred and twelve kilobytes of random access memory;

(5) Parallel printer interface; and

(6) Digital and analog data acquisition interface.

(d) A minimum roller diameter of 8.5 inches.

(e) One hundred and fifteen volt AC single phase 60 Hz power.

(f) A weight limit of 6,000 pounds per axle.

(g) A provision for checking the accuracy of the calibration of the dynamometer in the field, including , *without limitation*, an electrical output signal, interface [.] and attendant instrumentation. Equipment, tools [.] and procedures recommended or specified by the manufacturer for the calibration and adjustment of the dynamometer must be available.

3. The smoke opacity meter must have:

- (a) Calibration accuracy within 1 percent.
- (b) Linearity within 1 percent, from 0 to 60 percent opacity.
- (c) Drift within 1 percent of the temperature range specified by the manufacturer.
- (d) A response time of less than 2 seconds from 0 to 90 percent of scale.
- (e) A warm-up time of not more than 10 minutes.
- (f) An operating temperature range from 32 to 120 degrees Fahrenheit.
- (g) One hundred and fifteen volts AC input [.

(h) **Internal batteries**] , *if operated from alternating current*.

(h) *Batteries* which are replaceable or rechargeable , and which allow for the operation of the smoke opacity meter without AC input.

- (i) A RS232C standardized serial interface.
- (j) The ability to measure exhaust opacity continuously.

[4. The smoke opacity meter must interface to a tractor feed printer capable of handling a form 9 1/2 inches wide by 11 inches long. The printer must be capable of feeding from a supply of 500 fan-folded forms. The supply of forms must be within a secured enclosure which

prevents unauthorized access to blank forms before being printed. The secured enclosure and a receiving container for the detached station copy of the certificate of compliance must be part of or attached to the printer or its stand. The secured container must be constructed of metal and the door must have a lock that prevents unauthorized access.]

Sec. 44. 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 [**vehicle's**] 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 a vehicle with a manufacturer's gross vehicle weight rating of 4,000 pounds or less by applying a single load of 7.4 horsepower, plus or minus 1 horsepower, while the vehicle is being operated at a speed of 30 miles per hour.

(3) Test a vehicle with a manufacturer's gross vehicle weight rating of more than 4,000 pounds and less than 8,500 pounds by applying a single load of 30 horsepower, plus or minus 2 horsepower, while the vehicle is being operated at a speed of 50 miles per hour.

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

<i>Number of Cylinders</i>	<i>Speed (± 4 miles per hour)</i>	<i>Load (± 1 horsepower)</i>
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 [at least] 10 seconds. The engine opacity must be [measured during this phase of the test with a smoke opacity meter and must be recorded continuously. The maximum value recorded by the test equipment for 5 consecutive seconds is the engine opacity reading.] *stored and printed at the end of the 10-second interval.*

2. The inspector shall issue a [certificate] *vehicle inspection report* indicating the results of the test. *The printout from the opacity meter must be included in the vehicle inspection report.* 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] *vehicle inspection report* reflecting the failure.

3. A vehicle which:

- (a) Fails the tampering inspection phase must be repaired and reinspected.
- (b) Fails the opacity test must be repaired and retested.

Sec. 45. NAC 445B.590 is hereby amended to read as follows:

445B.590 1. Only the department may grant a waiver from the standards for emissions as set forth in subsection 3 of NAC 445B.576 or in NAC 445B.596.

2. An application for a waiver from the provisions of NAC 445B.596 for a motor vehicle powered by gasoline that is subject to an inspection pursuant to:

- (a) NAC 445B.594 must include , *without limitation*, receipts from an authorized station that at least \$200 has been spent on parts other than a catalytic converter, fuel inlet restricter

[.] or air injection system , or on labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions. If the vehicle is repaired by the owner, the application must include , *without limitation*, receipts or other evidence that at least \$200 has been spent on parts other than a catalytic converter, fuel inlet restricter [.] or air injection system purchased within 14 calendar days after the initial emissions test. No allowance will be permitted for labor on vehicles repaired by the owner.

(b) NAC 445B.593 must include , *without limitation*, receipts from an authorized station that at least \$450 has been spent on parts other than a catalytic converter, fuel inlet restricter or air injection system or on labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions.

3. Except as otherwise provided in subsection 4, an application for a waiver for a light-duty motor vehicle powered by a diesel engine from the provisions of subsection 3 of NAC 445B.576 must include [:] , *without limitation*:

(a) A copy of the original [certificate] *vehicle inspection report* indicating that the vehicle failed to comply with the provisions of subsection 3 of NAC 445B.576; and

(b) Receipts or other evidence that at least \$750 has been spent on:

(1) Parts other than required emission control equipment; or

(2) Labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions.

Receipts must be dated within 14 calendar days after the date of issuance of the [certificate] *vehicle inspection report* indicating that the vehicle failed to comply with subsection 3 of NAC 445B.576.

4. If the owner of a light-duty motor vehicle powered by a diesel engine repairs the vehicle, an application for a waiver from the provisions of subsection 3 of NAC 445B.576 must include [:], *without limitation*:

(a) A copy of the original [certificate] *vehicle inspection report* indicating that the vehicle failed to comply with the provisions of subsection 3 of NAC 445B.576; and

(b) Receipts or other evidence that at least \$500 has been spent on parts other than required emission control equipment. No allowance will be permitted for labor on a vehicle repaired by the owner.

Receipts must be dated within 14 calendar days after the date of issuance of the [certificate] *vehicle inspection report* indicating that the vehicle failed to comply with subsection 3 of NAC 445B.576.

5. The department will deny an application for a waiver if the parts have not been installed or the repairs performed as indicated on the receipts presented to the department.

6. The department will allow registration of the vehicle if:

(a) The provisions of NAC 445B.582 have been complied with; and

(b) The department finds after inspection that additional costs exceeding the minimum established in this section are needed to bring the vehicle into compliance.

7. A vehicle which qualifies for repairs under a warranty is not eligible for a waiver.

8. A waiver permits the registration of the vehicle.

Sec. 46. NAC 445B.599 is hereby amended to read as follows:

445B.599 1. The department will annually prescribe the maximum fees for inspections and testing by authorized stations and authorized inspection stations, and will mail a notice of the applicable maximum fee to each authorized station and authorized inspection station.

2. For each county where a program of inspection and testing of vehicles is in effect, the department will determine the maximum fee which may be charged for the initial inspection and for [completing a certificate of compliance,] *issuing a vehicle inspection report* by taking 35 percent of the average hourly shop labor rate charged by the authorized stations within the county and rounding the result to the nearest 50 cents.

3. If an authorized station or authorized inspection station is located outside any county where the inspection and testing of vehicle emissions is in effect, the department will prescribe as the maximum fee for the station the maximum fee of the nearest county where the program is in effect.

Sec. 47. NAC 445B.735 is hereby amended to read as follows:

445B.735 A program for the licensure of authorized inspection stations [, **authorized maintenance stations,**] and persons qualified to install, repair [,] and adjust devices for the control of emissions in motor vehicles is hereby established. The program, which is to be established by the department in compliance with the requirements of 40 C.F.R. § 51.367, must include , *without limitation*, a procedure for reporting for [**authorized maintenance stations and**] persons qualified to install, repair [,] and adjust devices for the control of emissions in motor vehicles.

Sec. 48. NAC 445B.409 and 445B.4603 are hereby repealed.

TEXT OF REPEALED SECTIONS

445B.409 “Certificate of compliance” defined. “Certificate of compliance” means a certificate printed by an emissions analyzer and issued by an approved inspector in a test station.

445B.4603 Authorized maintenance station: License required to operate; duration of license.

1. A person shall not:

(a) Operate an authorized maintenance station without first obtaining a license from the department authorizing him to do so; or

(b) Engage in the business of installing, repairing, or adjusting devices for the control of exhaust emissions in motor vehicles for the purpose of issuing a waiver in an area requiring a program for enhanced inspection without first obtaining a license from the department authorizing him to operate an authorized maintenance station.

2. A license issued for an authorized maintenance station expires at midnight on December 31 of each calendar year.