

**PROPOSED REGULATION OF  
THE STATE BOARD OF AGRICULTURE**

**LCB File No. R145-98**

July 31, 1998

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

AUTHORITY: §§1-5, NRS 590.070.

**Section 1.** NAC 590.041 is hereby amended to read as follows:

590.041 As used in NAC 590.045 to 590.070, inclusive, unless the context otherwise

[requires:

1. “Gallon”] *requires, “gallon”* means 128 ounces.

[2. “Gasoline” represented as “unleaded” means any gasoline dispensed from a pump or other device for dispensing gasoline which does not indicate that the gasoline dispensed from that pump or device is leaded gasoline.]

**Sec. 2.** NAC 590.045 is hereby amended to read as follows:

590.045 1. Volume 05.01, Petroleum Products and Lubricants, of the [1993] *1998* Annual Book of American Society for Testing and Materials Standards, is available for inspection at the office of the Department of Business and Industry, Division of Agriculture, 350 Capitol Hill Avenue, [P.O. Box 11100,] Reno, Nevada [89510. Sections of the] *89502 and 2300 McLeod Street, Las Vegas, Nevada 89104.*

2. *The* volume may be purchased at a cost of [~~\$15 per section or the volume may be purchased in its entirety at a cost of \$119~~] *\$150* from the American Society for Testing and

Materials, [1916 Race Street, Philadelphia, Pennsylvania 19103.] *100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428.*

Sec. 3. NAC 590.050 is hereby amended to read as follows:

590.050 1. Except as otherwise provided in [subsections 2, 3 and 4, the division of agriculture of the department of business and industry] *subsection 2, the state board of agriculture* hereby adopts by reference [the specification guides] :

*(a) For diesel fuel intended for use in an internal combustion engine, if the internal combustion engine is not installed in a motor vehicle that is operated primarily on a highway, the specifications for diesel fuel ; and*

*(b) For diesel fuel intended for use in a motor vehicle that is operated primarily on a highway, the low sulfur specifications for diesel fuel,*

contained in volume 05.01, Petroleum Products and Lubricants, of the [1993] *1998* Annual Book of American Society for Testing and Materials (ASTM) Standards, ASTM designation D [975-92a.

2. For any diesel fuel intended for use in internal combustion engines, the division of agriculture of the department of business and industry hereby establishes the exemption set forth in subsection 3 from strict compliance with the standards adopted pursuant to subsection 1.

3.] *975-97.*

2. The flash point for No. 2 diesel fuel oil must not be lower than 37.8 degrees Celsius (100 degrees Fahrenheit) when [No. 1 diesel fuel oil] *the No. 2 diesel fuel oil* has been [added] *treated* to prevent [the gelling of the No. 2 diesel fuel oil.

4. On or after October 1, 1993, a person shall not sell, offer for sale, supply or offer to supply in this state any diesel fuel which is intended for use in a vehicle which is primarily driven on a highway and is propelled by an internal combustion engine if it exceeds 0.05 percent sulfur by weight.

5.] *gelling and the No. 2 diesel fuel oil has been labeled “winterized.”*

3. The grade assigned by the American Society for Testing and Materials for diesel fuel oil:

(a) Dispensed from a pump or other device for dispensing the diesel fuel oil must be posted on that pump or device.

(b) Transported or stored in a vehicle which is used for the delivery of diesel fuel oil must be posted on the label of that vehicle required pursuant to NRS 590.040.

**Sec. 4.** NAC 590.061 is hereby amended to read as follows:

590.061 1. The state [sealer of weights and measures] *board of agriculture* hereby adopts by reference the [methods] *antiknock index method* for testing the octane rating of gasoline *that is* contained in volume [05.04,] *05.03*, Petroleum Products and Lubricants, of the [1993] *1998* Annual Book of American Society for Testing and Materials (ASTM) Standards, ASTM [designations D 2699-92 and D 2700-92.] *designation D 4814-97b. Volume 05.03 is available for inspection at the offices of the Division of Agriculture, Department of Business and Industry, 350 Capitol Hill Avenue, Reno, Nevada 89502 and 2300 McLeod Street, Las Vegas, Nevada 89104. The volume may be purchased at a cost of \$165 from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428.*

2. Gasoline that is brought into this state for delivery to a person in this state must have an octane rating number which is determined by [a method designated] *the antiknock index method described* in subsection 1.

3. A person who transfers [gasoline] *fuel* to a person in this state, other than the consumer of the [gasoline,] *fuel*, shall provide a proof of transfer to the person receiving the [gasoline.] *fuel*. The proof of transfer must be:

- (a) A delivery ticket;
- (b) An invoice;
- (c) A bill of lading;
- (d) A bill of sale;
- (e) A terminal ticket; or
- (f) Any other proof of transfer that is approved by the state [sealer of weights and measures.] *board of agriculture*.

4. The proof of transfer must contain:

- (a) The name of the person making the transfer;
- (b) The name of the person to whom the [gasoline] *fuel* is transferred;
- (c) The date of the transfer; and
- (d) [The] *If the fuel is gasoline, the* octane rating number of the gasoline.

5. The person receiving the [gasoline] *fuel* must keep a copy of the proof of transfer at the location [that the gasoline] *at which the fuel* was received for not less than 30 days after the date of the delivery of the [gasoline.] *fuel*. After that period, the proof of transfer must be retained at any location for not less than 1 year after the date of the delivery of the [gasoline]

*fuel* and be made available to the division of agriculture of the department of business and industry upon request.

**Sec. 5.** NAC 590.065 is hereby amended to read as follows:

590.065 1. Except as otherwise provided in this section, the state board of agriculture hereby adopts by reference the specification guides for gasoline contained in volume 05.03, Petroleum Products and Lubricants, of the [1995] 1998 Annual Book of American Society for Testing and Materials (ASTM) Standards, ASTM designation D [4814-94d, except that footnote B in table 4 in volume 05.03 is excluded.] 4814-97b.

2. Volume 05.03 is available for inspection at the offices of the Division of Agriculture, Department of Business and Industry, 350 Capitol Hill Avenue, Reno, Nevada 89502 and 2300 McLeod Street, Las Vegas, Nevada 89104. The volume may be purchased at a cost of [\$136] \$165 from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428.

3. Except as otherwise provided in subsection 4, gasoline containing 9 percent ethanol by volume or more is permitted an additional 1 pound per square inch on the vapor pressure specification.

4. Gasoline sold in Clark County between October 1 and the following March [30] 31 must not exceed a vapor pressure of 9 pounds per square inch and must meet the specifications relating to distillation set forth for volatility class A, B or C in ASTM designation D [4814-94d.] 4814-97b.

5. A person shall not sell, offer for sale, supply or offer to supply in this state any gasoline, intended for use in a vehicle which is primarily driven on a highway [:

(a) Represented as leaded gasoline on or before December 31, 1995, if it contains more than 0.10 gram of lead per gallon.

(b) On or after January 1, 1996, if:

(1) *if:*

(a) It contains more than 0.05 gram of lead per gallon;

[(2)] (b) It contains more than 0.005 gram of phosphorus per gallon;

[(3)] (c) Manganese or any compound of manganese has been added to the gasoline; or

[(4)] (d) It contains more than 10 percent ethanol by volume.

6. A person shall not sell, offer for sale, supply or offer to supply in:

(a) The area of this state which is east of the 118th degree of west longitude and north of the 38th degree of north latitude, any gasoline which contains more than 800 parts per million of sulfur.

(b) Any other area of this state which is not described in paragraph (a), any gasoline which contains more than 300 parts per million of sulfur.