

**LCB File No. R199-01**

**PROPOSED REGULATION OF THE  
DEPARTMENT OF MOTOR VEHICLES**

**NAC 445B.413 is hereby amended to read as follows:**

“Department” means the department of motor vehicles ~~[and public safety].~~

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

1. An authorized station, authorized inspection station, or authorized maintenance station must post in a conspicuous place in the station signs or placards provided by the department which:

(a) Display the fee for the emission control test;

(b) State the amount of the fee currently required by law that is charged for each certificate issued; and

(c) Provide information regarding the state’s program 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 the hourly labor rate charged by it.

3. An authorized station, 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]~~ *based upon costs incurred by the department at time of production*, for each sign posted by an authorized station, authorized inspection station, or authorized maintenance station. ~~[The fee will be returned when the sign is returned to the department in a reusable condition.]~~

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

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

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]~~, *on premises*, the manufacturer’s quick reference guides 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 *without the use of telephonic or facsimile 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 for any vehicles other than those used and serviced by the fleet station.

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

1. Each test station or authorized maintenance station must 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 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.

*4. A representative of the department shall perform an audit of all exhaust gas analyzers located at a test station at least once every thirty-calendar days.*

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

1. Except as otherwise provided in subsections 2 and 3, a test station which does not employ an approved inspector of the appropriate rating shall:

(a) Immediately cease to operate as a test station;

(b) Remove or cover its sign as a test station;

(c) Not inspect any motor vehicle or issue any evidence of compliance; and

(d) Immediately notify the department that an approved inspector of the appropriate rating is not employed by the test station.

2. Except as otherwise provided in subsection 3, if an approved inspector of the appropriate rating is not employed within 60 days, the test station shall surrender its signs, its license as a test station and all of its forms and supplies to the department.

3. An authorized station that ceases to employ a class 2 approved inspector for a total of 120 days within a period of 12 months, but continues to employ a class 1 approved inspector of the appropriate rating, may continue to operate as an authorized station 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 the authorized station does not employ a class 2 inspector at any time after the total of 120 days within the period of 12 months is exhausted, 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.

*4. To be in compliance with the provisions of subsection 3, an authorized station must have employed a class 2 inspector for 90 consecutive days immediately prior to ceasing employment of a class 2 approved inspector to maintain an authorized station license.*

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

The department may deny the issuance of, suspend or revoke the license of an approved inspector if:

1. ~~He~~ *The approved inspector* fails to establish by satisfactory evidence to the department that he is employed by a test station with an appropriate rating.

2. ~~He~~ *The approved inspector* has knowingly made any false statement or concealed any material fact on his application for a license.

3. ~~He~~ *The approved inspector* knowingly submits false, inaccurate or misleading information on evidence of compliance or any other records submitted to the department.

4. ~~He~~ *The approved inspector* 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~~ *The approved inspector* willfully or negligently issues evidence of compliance 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 evidence of compliance.

6. ~~He~~ *The approved inspector* does not follow the procedures for testing prescribed by the department.

7. ~~He~~ *The approved inspector* allows evidence of compliance to be completed or issued by a person who is not an approved inspector.

(a) The approved inspector allows an unlicensed or unapproved inspector to perform emission tests by utilizing his personal identification number.

8. ~~He~~ *The approved inspector* is incompetent to perform his duties.

9. ~~He~~ *The approved inspector* makes an inaccurate determination regarding a classification of a motor vehicle.

10. ~~He~~ *The approved inspector* fails to comply with any provision of NAC 445B.400 to 445B.735, inclusive.

11. ~~He~~ *The approved inspector* changes ~~his~~ *their* place of employment, is required to use an exhaust gas analyzer which is different from the type used at ~~his~~ *their* 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 to a license.

13. ~~He~~ *The approved inspector* is convicted for violating the provisions of chapter 598 of NRS relating to deceptive trade practices.

14. ~~He~~ *The approved inspector* is unable to demonstrate proficiency in the verbal and written expression of the English language.

**NAC 445B.4985 is hereby amended to read as follows:**

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

**NAC 445B.588 is hereby amended to read as follows:**

A list of equipment approved for testing light duty motor vehicles powered by diesel engines and specifications for that equipment will be on file with the department. A copy of the list may be obtained by writing to:

Department of Motor Vehicles ~~[and Public Safety]~~  
~~[Motor Vehicles Branch]~~ *Management Services and Programs Division*  
555 Wright Way  
Carson City, Nevada 89711

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

1. Vehicle inspection report numbers may be purchased only by a test station and may be obtained from the branch offices of the motor vehicles branch of the department *or an authorized agent.*

2. A test station shall not purchase or otherwise obtain vehicle inspection report numbers from a source other than the department *or an authorized agent.*

**NAC 445B.5075 is hereby amended to read as follows:**

1. The manufacturer of an exhaust gas analyzer approved by the department, or an authorized representative of the manufacturer, shall provide the services set forth in this section to each person purchasing or leasing one of those analyzers as part of the warranty required pursuant to NAC 445B.5065, and thereafter upon request by the purchaser or lessee at a cost negotiated between the parties.

2. The manufacturer or its authorized representative shall:

(a) Deliver, install, calibrate and verify the proper operating condition of the *NV2000* analyzer.

(b) ~~[Examine, calibrate and perform routine maintenance of the analyzer and sampling systems every 3 months, including, without limitation, the replacement or cleaning of filters and hoses.]~~ *Train all approved inspectors employed by the authorized station at the time of installation in the proper use, maintenance and operation of the NV2000 analyzer, including the procedure for performing a vehicle inspection in this state.*

(c) ~~[Train all approved inspectors employed by the test station at the time of installation in the proper use, maintenance and operation of the analyzer, including the procedure for performing a vehicle inspection in this state.]~~ *Provide additional training of new approved inspectors within 30 days after receiving an oral or written request for the operator of an authorized station. A fee may be charged for training of additional new inspectors.*

(d) ~~[Provide additional training of new approved inspectors within 30 days after receiving an oral or written request from the operator of the test station.]~~ *Provide on-site service calls by a qualified repair technician within 2 business days after receiving an oral or written request from the operator of the authorized station. The names, toll-free telephone numbers and business addresses of all of the manufacturer's representatives responsible for equipment services in the affected area must be provided to the operator of the authorized station for this purpose. A service representative of the manufacturer must be available to receive service calls at all times during normal working hours of each day of the week, excluding Sundays and national holidays. Any necessary repairs to an analyzer, replacement of components or adjustments to an analyzer, including correction and reset of quality control lockout systems,*

*must be accomplished on-site within 1 day after authorization from the operator of the authorized station has been obtained to perform the repairs. If it is not possible to complete the work within this time, a temporary replacement analyzer meeting all program requirements of the department must be provided to the operator of the authorized station at no additional charge until the malfunctioning analyzer is properly repaired and returned to service.*

~~(e) [Provide onsite service calls by a qualified repair technician within 2 business days after receiving an oral or written request from the operator of the test station. The names, toll-free telephone numbers and business addresses of all of the manufacturer's representatives responsible for equipment service in the affected area must be provided to the operator of the test station for this purpose. A service representative of the manufacturer must be available to receive service calls at all times during normal working hours of each day of the week, excluding Saturdays, Sundays and national holidays. Any necessary repairs to an analyzer, replacement of components or adjustments to an analyzer, including the correction and reset of quality control lockout systems, must be accomplished at the test station within 1 day after authorization from the operator of the test station has been obtained to perform the repairs. If it is not possible to complete the work within this time, a temporary replacement analyzer meeting all program requirements of the department must be provided to the operator of the test station at no additional charge until the malfunctioning analyzer is properly repaired and returned to service.] Provide two updates of software as required by the department, which may include, without limitation:~~

- ~~(1) Preconditioning procedures and emission testing sequences;~~
- ~~(2) Various look-up tables;~~
- ~~(3) Procedures for data communication; and~~
- ~~(4) Criteria affecting selection of emission standards, vehicle exemptions and whether~~

~~a vehicle passes or fails an emissions test. Other areas not specifically mentioned may also be required to be updated, but changes are not expected in all noted areas at one time. If a software update is required, the time for development will be agreed upon by the department and the manufacturer.~~

~~(f) [Provide annual updates of software as required by the department, which may include, without limitation:~~

- ~~—— (1) Preconditioning procedures and emission testing sequences;~~
- ~~—— (2) Various lookup tables;~~
- ~~—— (3) Procedures for data communication; and~~
- ~~—— (4) Criteria affecting the selection of emission standards, vehicle exemptions, and whether a vehicle passes or fails an emissions test.~~

~~Other areas not specifically mentioned may also be required to be updated, but changes are not expected in all noted areas at one time.] The Department may impose a fine of \$1000, on the manufacturer of an analyzer, if any of the conditions stated in subsections (a) through (d) of this regulation are not met. The fine will increase by \$1000 for each 24 hour period that the condition remains uncorrected.~~

~~[(g) Provide major alterations or additions to the hardware or software of the analyzer as may be deemed necessary by the department in response to a change in requirements of the inspection and maintenance program of this state, a change in vehicle technology or other relevant change. If an update is required, the time for development will be agreed upon by the department and the manufacturer.]~~

**NAC 445B.5065 is hereby amended to read as follows:**

1. The manufacturer of each exhaust gas analyzer approved by the department shall provide a written warranty to each purchaser or lessee of the analyzer. The warranty must provide complete coverage of:

- (a) Parts and labor for all systems and components of the analyzer; and
- (b) All services provided by the manufacturer pursuant to NAC 445B.5075.

2. The warranty must include the:

- (a) Name of the owner of the test station;
- (b) Address and telephone number of the test station;
- (c) Identification number of the test station; and
- (d) Terms of the warranty.

3. The warranty must extend for at least **4 years** ~~[1-year]~~ with guaranteed renewals provided for at least **2** ~~[5]~~ years at the request of the purchaser or lessee.

**NAC 445B.505 is hereby amended to read as follows:**

A list of approved exhaust gas analyzers and specifications for those analyzers will be on file with the department. A copy of the list and specifications may be obtained by writing to:

Department of Motor Vehicles ~~[and Public Safety]~~  
**Management Services and Programs Division** ~~[Motor Vehicles Branch  
Emission Control Section]~~  
555 Wright Way  
Carson City, Nevada 89711

**NAC 445B.499 is hereby amended to read as follows:**

- 1. The fee for the initial issuance and biennial renewal of an inspector's license is \$25.
- 2. The fee for the transfer of an inspector's license is \$10.
- 3. For each subsequent test station location, the inspector's license fee is \$10.**