

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

LCB File No. R131-06

September 7, 2006

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

AUTHORITY: §§1-4, NRS 445B.785.

A REGULATION relating to vehicle emissions; revising the definition of “used motor vehicle”; revising the provisions governing the operation of certain test stations; and providing other matters properly relating thereto.

Section 1. NAC 445B.454 is hereby amended to read as follows:

445B.454 “Used motor vehicle” ~~[means a motor vehicle that has been registered with the Department or registered with the appropriate agency or authority of any other state, the District of Columbia, or any territory or possession of the United States or foreign state, province or country.]~~ *has the meaning ascribed to it in NRS 445B.758.*

Sec. 2. NAC 445B.470 is hereby amended to read as follows:

445B.470 1. The license to operate a test station and all licenses issued to approved inspectors must be displayed in a conspicuous place under glass or other transparent material within the test station.

2. Except as otherwise provided in subsection 3:

(a) A test station shall keep the operator’s manual for its exhaust gas analyzer readily available to the approved inspector.

(b) A test station shall have readily available to the approved inspector a *current* reference manual or equivalent information stating the emissions devices which are required by state and

federal law to be installed on each type of *used* motor vehicle that is inspected. The owner of the test station or his designee shall, upon the request of a representative of the Department, demonstrate the availability of the reference manual or equivalent information by accessing the manual or information.

(c) An authorized station or class 2 fleet station shall have readily available to the class 2 approved inspector *current* reference information in the form of printed or electronic media explaining the operation and maintenance of the emissions devices which are required by state and federal law to be installed on each type of *used* motor vehicle. The owner of the test station or his designee shall, upon the request of a representative of the Department, demonstrate the availability of the reference information:

(1) If a telephone or facsimile transmission is not required to access the reference information, by accessing the reference information; and

(2) If the reference information is accessible only through the use of a telephone or facsimile transmission, by using the telephone or facsimile transmission to obtain and provide to the representative of the Department one copy of the reference information.

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

Sec. 3. NAC 445B.474 is hereby amended to read as follows:

445B.474 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 ~~;~~; *and*

(e) Immediately cease to advertise its performance of emissions tests.

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~~ *If an* authorized station ~~that~~ ceases the employment of, or is otherwise not employing, a class 2 approved inspector:

(a) ~~May~~ *The authorized station may* continue to operate as an authorized station for not more than ~~120~~ *60* days after the last date of employment of the class 2 approved inspector if the authorized station:

(1) Is currently employing a class 1 approved inspector;

(2) Had actively employed a class 2 approved inspector who was working on the premises for at least 90 consecutive days immediately preceding the last date of employment of the class 2 approved inspector; ~~and~~

(3) Notifies the Department within 2 working days after the last date of employment of the class 2 approved inspector; and

(4) Does not diagnose, repair or service a device for the control of exhaust emissions on any motor vehicle which has failed its most recent inspection required pursuant to subsection 1 of NRS 445B.795; and

(b) ~~[/del] *The* authorized station *shall, if the authorized station* does not qualify for the ~~[/del] *60-day* grace period provided in paragraph (a) or fails to employ a class 2 approved inspector by the end of the ~~[/del] *60-day* grace period : ~~[/del]~~~~~~~~

- (1) Immediately cease to operate as an authorized station;
- (2) Remove or cover its sign as an authorized station;
- (3) Not inspect any motor vehicle or issue any vehicle inspection report;
- (4) Immediately notify the Department that an approved inspector of the appropriate rating is not employed by the authorized station; ~~[/del]~~

(5) Surrender its signs, its license as an authorized station and all of its forms and supplies to the Department ~~[/del]~~; *and*

(6) Immediately cease to advertise its performance of emissions tests.

Sec. 4. NAC 445B.475 is hereby amended to read as follows:

445B.475 1. An employee of an authorized station or class 2 fleet station shall not perform any testing of exhaust emissions ~~[/del] *for perform any diagnosis, repair or servicing of devices for the control of exhaust emissions* unless he is licensed as a class 1 approved inspector or class 2 approved inspector.~~

2. Each authorized station and class 2 fleet station ~~[/del] *must* have a class 2 approved inspector on the premises during all hours of business. *Except as otherwise provided in subsection 3, an employee of an authorized station or class 2 fleet station shall not perform any diagnosis, repair or servicing of a device for the control of exhaust emissions unless he is licensed as a class 2 approved inspector.*~~

3. A class 1 approved inspector *or service repair technician* employed by an authorized station or class 2 fleet station ~~[/del]~~:

(a) May diagnose, repair and service a device for the control of exhaust emissions ~~only~~ on any motor vehicle which has not failed its most recent inspection required pursuant to subsection 1 of NRS 445B.795 if his work is inspected and approved in writing by a class 2 approved inspector.

(b) Shall not diagnose, repair and service a device for the control of exhaust emissions on any motor vehicle which has failed its most recent inspection required pursuant to subsection 1 of NRS 445B.795.

4. *As used in this section, “service repair technician” means a person who is employed at an authorized station or class 2 fleet station to diagnose, repair and service motor vehicles.*