

NAC Chapter 445B

LCB File No. T021-06

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

**NOTICE OF PUBLIC WORKSHOP/HEARING
FOR THE ADOPTION OF REGULATIONS FOR
THE DEPARTMENT OF MOTOR VEHICLES**

The Department of Motor Vehicles will hold public workshops and hearings at the following location on the date and time specified:

**PUBLIC WORKSHOP/HEARING
LAS VEGAS**

Thursday, January 18, 2007 Approximately
1:00 pm – immediately following I/M Advisory Committee Meeting
Atrium Annex
7th Floor of the “University of Phoenix” Bldg
333 N. Rancho Rd. Room 780
Las Vegas, NV. 89106

**PUBLIC WORKSHOP/HEARING
RENO**

Wednesday, January 24, 2007 at 10:00 am
Washoe County Health Department
1001 E. 9th St. Bldg. C, Room #110
Reno, NV. 89512

The purpose of this Workshop/Hearing is to solicit comments from all interested persons regarding:

- **Workshop and Hearing on:**
 - NAC 445B.464, Test Stations: Hearing concerning denial, suspension or revocation of license.
 - NAC 445B.490, Hearing on suspension or revocation of license.
- **Workshop Only on:**
 - **Repeal**, NAC 445B.5057, Manufacturer of approved analyzer: Required services; administrative fine for violations.

- **Repeal**, NAC 445B.5065, Manufacturer of approved analyzer: Required warranty.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Motor Vehicles may proceed immediately to act upon any written submissions.

There is no economic effect of the regulation on the public, nor is there a cost to the agency for enforcement of the proposed regulations

The proposed adoption of amendments pertaining to Chapter 445B of the Nevada Administrative Code do not overlap or duplicate that of any other state or local governmental agency. These regulations are not required pursuant to federal law, nor does the federal government regulate similar activities.

Persons wishing to comment upon the proposed action of the Department of Motor Vehicles may appear at the scheduled public workshop/hearing or may address their comments, data, views, or arguments, in written form to:

Ivie Harper
Department of Motor Vehicles
Compliance Enforcement Division
555 Wright Way, Carson City, NV 89711

Written submission must be received by Department of Motor Vehicles on or before January 15, 2007.

A copy of this notice and the regulations to be adopted and/or amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and regulations to be amended will be available at each of the Department of Motor Vehicles listed, and at the main public libraries listed, for inspection and copying by members of the public during business hours. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the locations listed on the attached page.

Dated: December 5, 2006

THIS NOTICE HAS BEEN POSTED AT THE FOLLOWING LOCATIONS:

DEPARTMENT OF MOTOR VEHICLE BRANCH OFFICES

Office of the Director
555 Wright Way
Carson City, NV. 89711

1780 E. Basin Road
Pahrump, NV. 89060

7170 N. Decatur Blvd.
Las Vegas, NV. 89131

2701 E. Sahara Ave.
Las Vegas, NV. 89104

4110 Donovan Way
North Las Vegas, NV. 89030

810 E. Greg St.
Sparks, NV. 89431

3920 E. Idaho St.
Elko, NV. 89801

1137 S. Main St. #C-8
Tonopah, NV. 89049

178 N. Avenue F
Ely, NV. 89301

8250 West Flamingo Rd.
Las Vegas, NV. 89147

973 W. Williams St.
Fallon, NV. 89406

3505 Construction Way
Winnemucca, NV. 89445

305 Galletti Way
Reno, NV. 89512

215 West Bridge St. #9
Yerington, NV. 89447

1085 Highway 95
Hawthorne, NV. 89410

Department of Motor Vehicles Website
<http://www.dmvnv.com/index.htm>

1399 American Pacific Dr.
Henderson, NV. 89074

Legislative Council Bureau Website
<http://www.leg.state.nv.us/register>

3030 S. Needles Highway, Ste. 900
Laughlin, NV. 89028

330 N. Sandhill Rd. Ste. H
Mesquite, NV. 89027

1694 County Road
Minden, NV. 89423

215 West Bridge St. No. 9
Yerington, NV. 89447

LIBRARIES

Battle Mountain Branch
625 South Broad St.
Battle Mountain, NV. 89820

Eureka Branch Library
10190 Monroe Street
Eureka, NV. 89316

Goldfield Public Library
Fourth and Crook St.
Goldfield, NV. 89013

Lincoln County Library
#63 Main Street
Pioche, NV. 89043

Mineral County Library
First and "A" Street
Hawthorne, NV. 89415

Nevada State Library and Archives
100 North Stewart St.
Carson City, NV. 89701

Pershing County Library
1125 Central Ave.
Lovelock, NV. 89419

Storey County Library
95 South "R" Street
Virginia City, NV. 89440

Nevada Tax Payers Association
501 S. Carson St. Suite #301
Carson City, NV. 89701

NAC Chapter 445B

LCB File No. T021-06

PROPOSED TEMPORARY REGULATION OF THE
DEPARTMENT OF MOTOR VEHICLES

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

AUTHORITY: §1, NRS 445B.785(c)

A REGULATION relating to approved analyzers and their specifications, requirements for maintaining approved analyzers at test stations and other related matters.

Section 1. NAC 445B.460 is hereby amended to read as follows:

445B.460 1. No person may engage in the business of issuing evidence of compliance 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 September 25, 1998, expires on September 30 of each calendar year.

(b) Is issued on or after September 25, 1998, expires 1 year after the last day of the month in which the license was originally issued.

3. A test station must 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, when conducting inspections of motor vehicles subject to the provisions of NAC 445B.580 *and NAC 445B.5805*, use an exhaust gas analyzer *and other analysis equipment* 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, when conducting inspections of motor vehicles subject to the provisions of NAC 445B.589, use a dynamometer and a smoke opacity meter that comply 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:

(a) Except as otherwise provided in this subsection, may test exhaust emissions but shall not, unless specifically authorized by the Commission, perform any installation, repair, diagnosis or adjustment to any component or system of a motor vehicle that affects exhaust emissions.

(b) May:

(1) Change oil;

(2) Replace an oil filter, air filter, fuel filter, external conventional or serpentine accessory drive belt or cooling system hose; and

(3) With regard to a vehicle with a model year of 1980 or older which has not failed its most recent exhaust emissions test administered in this State:

(I) Replace the spark plugs, secondary cables for the spark plugs, distributor cap, rotor, points or condenser of the vehicle; and

(II) Adjust the dwell and initial ignition timing of the engine of the vehicle, and the settings for idle speed if those settings are accessible.

(c) With regard to a vehicle with a model year of 1981 or newer, shall not perform any service or diagnostic action which has a direct effect on data stored in the vehicle computer

which monitors how the engine, transmission or emission control system is operating, including, without limitation, the clearing of diagnostic trouble codes relating to the engine, transmission or emission control system.

5. An authorized inspection station shall not advertise any services which it provides for the testing of exhaust emissions with any services described in subparagraph (3) of paragraph (b) of subsection 4 that the authorized inspection station also provides.

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

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

8. An authorized inspection station or class 1 fleet station must not be located immediately adjacent to any business which performs any installation, repair, diagnosis or adjustment of a component or system of a motor vehicle that affects exhaust emissions 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;
- (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.

9. A facility that holds a license as an authorized inspection station or class 1 fleet station may perform the servicing of a fuel injection system only by using a method that:

(a) Utilizes a cleaning solvent for the fuel system that is registered as a fuel additive with the United States Environmental Protection Agency in accordance with the requirements of 40 C.F.R. Part 79;

(b) Introduces the cleaning solvent into the fuel tank and no other portion of the vehicle's fuel system or air intake system; and

(c) Does not involve the dismantling, removal or adjustment of any portion of the fuel system or air intake system other than the fuel inlet cap.

Section 2. NAC 445B.505 is hereby amended to read as follows:

NAC 445B.505 Availability of list of approved analyzers and their specifications. (NRS 445B.210, 445B.770, 445B.785) A list of approved exhaust gas analyzers *and approved analysis equipment designed to perform an inspection of a motor vehicle that is equipped with a certified on-board diagnostic system as defined in NAC 445B.4092* 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

Compliance Enforcement Division ~~[of Management Services and Programs]~~

555 Wright Way

Carson City, Nevada 89711

Section 3. NAC 445B.5052 is hereby amended to read as follows:

NAC 445B.5052 Approved analyzer. (NRS 445B.785)

1. A test station shall use an ~~[NV2000]~~ exhaust gas analyzer *approved by the Department* to perform an inspection of a motor vehicle subject to the provisions of NAC 445B.580.

2. *A test station shall use analysis equipment approved by the Department to perform an inspection of a motor vehicle that is equipped with a certified on-board diagnostic system as defined in NAC 445B.4092. The inspection must be performed pursuant to the provisions of NAC 445B.5805.*

3. The Department will not enroll an exhaust gas analyzer unless it is an ~~[NV2000]~~ exhaust gas analyzer *approved by the Department*.

4. *The Department will only enroll approved analysis equipment designed to perform an inspection of a motor vehicle that is equipped with a certified on-board diagnostic system as defined in NAC 445B.4092.*

Section 4. NAC 445B.5065 is hereby amended to read as follows:

NAC 445B.5065 Manufacturer of approved analyzer: Required warranty. (NRS 445B.785)

1. The manufacturer of each exhaust gas analyzer approved by the Department shall provide 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 with guaranteed renewals provided for at least 2 years at the request of the purchaser or lessee.

4. Subsection 3 of this regulation is hereby repealed, effective May 1, 2007.

Section 5. NAC 445B.5075 is hereby amended to read as follows:

NAC 445B.5075 Manufacturer of approved analyzer: Required services; ~~administrative fine for violations.]~~ (NRS 445B.785, 445B.835)

1. The manufacturer of an exhaust gas analyzer *or analysis equipment designed to test vehicle Certified on-board diagnostic systems that are* 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 analyzer.

(b) 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.

(c) Provide, within 30 days after receiving an oral or written request from the operator of a test station, additional training to an applicant for licensure as a class I approved inspector who is unable to demonstrate to the Department an ability to adjust and operate the equipment in accordance with paragraph (b) of subsection 1 of NAC 445B.485. The manufacturer may charge a fee for providing such additional training.

(d) 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 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 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.

(e) Provide up to 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 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.

(f) 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. If an update of software is required, the time within which the updated software must be developed will be agreed upon by the Department and manufacturer.

3. If the manufacturer of an exhaust gas analyzer violates any provision of subsection 2, the Department may, pursuant to NRS 445B.835, impose an administrative fine of \$1,000. Each day upon which such a violation occurs constitutes a separate violation.

4. Subsections (d), (e), (f) of paragraph 2 and Section 3 of this regulation are hereby repealed, effective May 1, 2007.

5. A manufacturer of exhaust gas analyzers or analysis equipment designed to test vehicle Certified on-board diagnostic systems that are approved by the Department must provide and maintain at no cost to the State one exhaust gas analyzer or analysis equipment designed to test vehicle Certified on-board diagnostic systems at the following Nevada Department of Motor Vehicles locations:

Compliance Enforcement Division

Emission Test Lab

305 Galletti Way

Reno, Nevada

Compliance Enforcement Division

Emission Test Lab

2701 East Sahara Avenue

Las Vegas, Nevada

Section 6. NAC 445B.5805 is hereby amended to read as follows:

NAC 445B.5805 Inspection of vehicle: Procedure for light-duty vehicles with model year of 1996 or newer. (NRS 445B.785)

1. The provisions of this section apply to inspections of light-duty motor vehicles with a model year of 1996 or newer.

2. After the owner or operator of a motor vehicle subject to the provisions of this section requests an inspection, the inspector shall:

(a) Turn the ignition switch to the off position for at least 12 seconds.

(b) Locate the data-link connector for the vehicle and connect the test equipment.

(c) Visually inspect the operation of the malfunction illumination light while turning the ignition switch to the run position with the engine off.

(d) Start the vehicle and, with the engine running, establish communication with the certified on-board diagnostic system installed in the vehicle.

(e) Visually inspect the vehicle to determine whether the malfunction illumination light is commanded on.

(f) Review the emission readiness code status.

(g) Retrieve all data trouble codes that are present.

3. The inspector shall complete each test and issue a vehicle inspection report indicating whether or not the vehicle passes the inspection.

4. The inspector shall issue a vehicle inspection report indicating that the vehicle did not pass the inspection if:

(a) The vehicle has a malfunction illumination light that fails to illuminate during a visual inspection while the ignition switch is turned to the run position with the engine off;

(b) The vehicle has its malfunction illumination light commanded on continuously;

(c) The vehicle has a data-link connector that is missing, has been tampered with or is inoperable, including related electrical circuitry;

- (d) ~~[There is no serial data communication from the certified on-board diagnostic system installed in the vehicle;~~
- ~~—(e) The vehicle has a model year of 2001 or newer and has more than one unset readiness indicator;~~
- ~~—(f) The vehicle has a model year of 1996 to 2000, inclusive, and has more than two unset readiness indicators; or~~
- ~~—(g)] Smoke is visible in the exhaust emissions from the vehicle with the engine speed at idle.~~

5. The approved inspector shall provide the a printout from the analyzer to their customer indicating that the vehicle is rejected from the emission inspection if:

- (a) The vehicle has a model year of 1996 to 2000, inclusive, and has more than two unset readiness indicators; or*
- (b) The vehicle has a model year of 1996 or newer and has more than one unset readiness indicator.*
- (c) The vehicle has a data link connector (DLC) that is inaccessible.*
- (d) There is no serial data communication between the vehicle Certified on-board diagnostic system and analyzer.*