

ASSEMBLY BILL NO. 446—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

MARCH 30, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to motor vehicles.
(BDR 43-1092)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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

AN ACT relating to motor vehicles; revising provisions governing
the exemption of certain older motor vehicles from
emission control compliance; providing a penalty; and
providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that certain older vehicles qualify for special license
plates inscribed with the words “Old Timer,” “STREET ROD,” “CLASSIC ROD”
or “CLASSIC VEHICLE.” (NRS 482.381, 482.3812, 482.3814, 482.3816) Such
vehicles are exempt from certain standards for exhaust emissions, fuel evaporative
emissions and visible emissions of smoke provided that the owner of the vehicle
certifies to the Department of Motor Vehicles that the vehicle was not driven more
than 5,000 miles during the immediately preceding year and pays a fee at the time
of registration that is equal to the fee for a form certifying emission control
compliance. (NRS 445B.760)

Section 1 of this bill requires that an owner of such an older vehicle who is
seeking the exemption from emission control compliance to: (1) have his or her
vehicle complete and pass an initial emissions test; (2) certify to the Department
that the vehicle was not driven more than 5,000 miles during the immediately
preceding year; and (3) provide to the Department verification of the odometer
reading of the vehicle that was completed by an approved inspector at an authorized
emissions compliance station. **Sections 2-4** of this bill revise provisions relating to
certain emissions compliance stations to authorize the performance of the odometer
inspection and verification required by **section 1**. **Section 5** of this bill adds the
falsification of an odometer reading to the list of certain acts by emissions



20 compliance inspectors and other persons that are unlawful, thereby making such an
21 act punishable as a misdemeanor. (NRS 445B.840, 445B.845)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 445B.760 is hereby amended to read as
2 follows:

3 445B.760 1. The Commission may by regulation prescribe
4 standards for exhaust emissions, fuel evaporative emissions and
5 visible emissions of smoke from mobile internal combustion
6 engines on the ground or in the air, including, but not limited to,
7 aircraft, motor vehicles, snowmobiles and railroad locomotives. The
8 regulations must provide for the exemption from such standards of:

9 (a) A moped registered pursuant to NRS 482.2155; and

10 (b) A vehicle for which special license plates have been issued
11 pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 if the
12 owner of such a vehicle ~~certifies to the Department of Motor~~
13 ~~Vehicles;~~ :

14 *(1) Has his or her vehicle complete and pass an initial*
15 *emissions test; and*

16 *(2) Provides to the Department of Motor Vehicles:*

17 *(I) Certification, on a form provided by the Department*
18 *of Motor Vehicles, that the vehicle was not driven more than 5,000*
19 *miles during the immediately preceding year []; and*

20 *(II) Verification, on a form provided by the Department*
21 *of Motor Vehicles, of the odometer reading of the vehicle within*
22 *the 30 days immediately preceding the registration or renewal of*
23 *registration of the vehicle, completed by an approved inspector at*
24 *an authorized inspection station or an authorized station.*

25 2. Except as otherwise provided in subsection 3, standards for
26 exhaust emissions which apply to a:

27 (a) Reconstructed vehicle, as defined in NRS 482.100; and

28 (b) Trimobile, as defined in NRS 482.129,

29 ↪ must be based on standards which were in effect in the year in
30 which the engine of the vehicle was built.

31 3. A trimobile that meets the definition of a motorcycle in 40
32 C.F.R. § 86.402-78 or 86.402-98, as applicable, is not subject to
33 emissions standards under this chapter.

34 4. Any such standards which pertain to motor vehicles must be
35 approved by the Department of Motor Vehicles before they are
36 adopted by the Commission.

37 5. *As used in this section, "pass an initial emissions test"*
38 *means that after the initial test of the emissions from the motor*
39 *vehicle, the motor vehicle complies with the applicable provisions*



1 *of NRS 445B.700 to 445B.815, inclusive, and the regulations*
2 *adopted pursuant thereto.*

3 **Sec. 2.** NRS 445B.770 is hereby amended to read as follows:

4 445B.770 1. In any county whose population is 100,000 or
5 more, the Commission shall, in cooperation with the Department of
6 Motor Vehicles and any local air pollution control agency, adopt
7 regulations for the control of emissions from motor vehicles in areas
8 of the county designated by the Commission.

9 2. In any county whose population is less than 100,000, if the
10 Commission determines that it is feasible and practicable to carry
11 out a program of inspecting and testing motor vehicles and systems
12 for the control of emissions from motor vehicles, and if carrying out
13 the program is deemed necessary to achieve or maintain the
14 prescribed standards for the quality of ambient air in areas of the
15 State designated by the Commission, the Commission shall, in
16 cooperation with the Department of Motor Vehicles and any local
17 air pollution control agency established under NRS 445B.500 which
18 has jurisdiction in a designated area, adopt regulations and
19 transportation controls as may be necessary to carry out the
20 program.

21 3. The regulations must distinguish between light-duty and
22 heavy-duty motor vehicles and may prescribe:

23 (a) Appropriate criteria and procedures for the approval,
24 installation and use of devices for the control of emissions from
25 motor vehicles; and

26 (b) Requirements for the proper maintenance of such devices
27 and motor vehicles.

28 4. The regulations must establish:

29 (a) Requirements by which the Department of Motor Vehicles
30 shall license authorized stations to *inspect and verify odometer*
31 *readings as required by paragraph (b) of subsection 1 of NRS*
32 *445B.760 and to* inspect, repair, adjust and install devices for the
33 control of emissions for motor vehicles, including criteria by which
34 any person may become qualified to inspect, repair, adjust and
35 install those devices.

36 (b) Requirements by which the Department of Motor Vehicles
37 may license an owner or lessee of a fleet of three or more vehicles
38 as a fleet station if the owner or lessee complies with the regulations
39 of the Commission. The fleet station shall only certify vehicles
40 which constitute that fleet.

41 (c) Requirements by which the Department of Motor Vehicles
42 provides for inspections of motor vehicles owned by this State and
43 any of its political subdivisions.



1 5. The Commission shall consider, before adopting any
2 regulation or establishing any criteria pursuant to paragraph (a) of
3 subsection 3:

4 (a) The availability of devices adaptable to specific makes,
5 models and years of motor vehicles.

6 (b) The effectiveness of those devices for reducing the emission
7 of each type of air pollutant under conditions in this State.

8 (c) The capability of those devices for reducing any particular
9 type or types of pollutants without significantly increasing the
10 emission of any other type or types of pollutant.

11 (d) The capacity of any manufacturer to produce and distribute
12 the particular device in such quantities and at such times as will
13 meet the estimated needs in Nevada.

14 (e) The reasonableness of the retail cost of the device and the
15 cost of its installation and maintenance over the life of the device
16 and the motor vehicle.

17 (f) The ease of determining whether any such installed device is
18 functioning properly.

19 **Sec. 3.** NRS 445B.775 is hereby amended to read as follows:

20 445B.775 The regulations adopted by the Commission
21 pursuant to NRS 445B.770 must establish requirements by which
22 the Department of Motor Vehicles may license:

23 1. Authorized inspection stations, including criteria by which
24 any person may become qualified to inspect devices for the control
25 of emissions for motor vehicles. The regulations adopted by the
26 Commission pursuant to NRS 445B.770 must provide that a facility
27 licensed as an authorized inspection station:

28 (a) Except as otherwise provided in paragraph (b), may not,
29 unless specifically authorized by the Commission, install, repair,
30 diagnose or adjust any component or system of a motor vehicle that
31 affects exhaust emissions.

32 (b) May perform the following activities in connection with a
33 motor vehicle:

34 (1) The changing of oil;

35 (2) The replacing of an oil filter, air filter, fuel filter, belt or
36 hose; **[and]**

37 (3) The servicing of a fuel injection system using methods
38 approved by the Division of Environmental Protection of the State
39 Department of Conservation and Natural Resources **[]**; **and**

40 ***(4) The inspection and verification of odometer readings***
41 ***required by paragraph (b) of subsection 1 of NRS 445B.760.***

42 2. Authorized stations, including criteria by which any person
43 may become qualified to inspect, repair, adjust and install devices
44 for the control of emissions for motor vehicles.



1 **Sec. 4.** NRS 445B.785 is hereby amended to read as follows:
2 445B.785 1. The Department of Motor Vehicles shall, in
3 cooperation with the Commission, adopt regulations which:

4 (a) Prescribe requirements for licensing authorized inspection
5 stations, authorized stations and fleet stations. The regulations
6 adopted pursuant to this paragraph must provide that a facility
7 licensed as an authorized inspection station:

8 (1) Except as otherwise provided in subparagraph (2), may
9 not, unless specifically authorized by the Commission, install,
10 repair, diagnose or adjust any component or system of a motor
11 vehicle that affects exhaust emissions.

12 (2) May perform the following activities in connection with a
13 motor vehicle:

14 (I) The changing of oil;

15 (II) The replacing of an oil filter, air filter, fuel filter, belt
16 or hose; ~~and~~

17 (III) The servicing of a fuel injection system using
18 methods approved by the Division of Environmental Protection of
19 the State Department of Conservation and Natural Resources ~~H~~ ;
20 *and*

21 (IV) *The inspection and verification of odometer*
22 *readings required by paragraph (b) of subsection 1 of*
23 *NRS 445B.760.*

24 (b) Prescribe the manner in which authorized inspection
25 stations, authorized stations and fleet stations inspect motor vehicles
26 and issue evidence of compliance.

27 (c) Prescribe the diagnostic equipment necessary to perform the
28 required inspection. The regulations must ensure that:

29 (1) The equipment complies with any applicable standards of
30 the United States Environmental Protection Agency; and

31 (2) Use of the equipment is specifically authorized by the
32 Commission.

33 (d) Provide for any fee, bond or insurance which is necessary to
34 carry out the provisions of NRS 445B.700 to 445B.815, inclusive.

35 (e) Provide for the issuance of a pamphlet for distribution to
36 owners of motor vehicles. The pamphlet must contain information
37 explaining the reasons for and the methods of the inspections.

38 2. The Department of Motor Vehicles shall issue a copy of the
39 regulations to each authorized inspection station, authorized station
40 and fleet station.

41 **Sec. 5.** NRS 445B.840 is hereby amended to read as follows:

42 445B.840 It is unlawful for any person to:

43 1. Possess any unauthorized evidence of compliance;

44 2. Make, issue or use any imitation or counterfeit evidence of
45 compliance;



1 3. *Issue any false odometer reading;*

2 4. Willfully and knowingly fail to comply with the provisions
3 of NRS 445B.700 to 445B.815, inclusive, or any regulation adopted
4 by the Department of Motor Vehicles; or

5 ~~[4.]~~ 5. Issue evidence of compliance *or verification of an*
6 *odometer reading* if he or she is not a licensed inspector of an
7 authorized inspection station, authorized station or fleet station.

8 **Sec. 6.** Notwithstanding the provisions of NRS 218D.430 and
9 218D.435, a committee, other than the Assembly Standing
10 Committee on Ways and Means and the Senate Standing Committee
11 on Finance, may vote on this act before the expiration of the period
12 prescribed for the return of a fiscal note in NRS 218D.475. This
13 section applies retroactively from and after March 22, 2021.

14 **Sec. 7.** 1. This section becomes effective upon passage and
15 approval.

16 2. Sections 1 to 6, inclusive, of this act become effective:

17 (a) Upon passage and approval for the purpose of adopting any
18 regulations and performing any other preparatory administrative
19 tasks that are necessary to carry out the provisions of this act; and

20 (b) On July 1, 2021, for all other purposes.



