
SENATE BILL NO. 49—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE DIVISION OF ENVIRONMENTAL
PROTECTION OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to the control of emissions. (BDR 40-230)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 air pollution; authorizing the State Environmental Commission to adopt standards and other requirements for the control of emissions from new motor vehicles and new motor vehicle engines that are identical to the standards and requirements adopted by the State of California; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes the State Environmental Commission to prescribe by
2 regulation standards for exhaust emissions, fuel evaporative emissions and visible
3 emissions of smoke from mobile internal combustion engines on the ground and in
4 the air. Any such standards must be approved by the Department of Motor
5 Vehicles. (NRS 445B.760) Existing federal law authorizes a state to, under certain
6 circumstances, adopt and enforce model year standards relating to the control of
7 emissions from new motor vehicles and new motor vehicle engines if such
8 standards are identical to the standards adopted by the State of California. (42
9 U.S.C. § 7507) **Section 1** of this bill: (1) authorizes the Commission to prescribe by
10 regulation standards and other requirements for the control of emissions from new
11 motor vehicles and new motor vehicle engines that are identical to the State of
12 California in accordance with federal law; and (2) requires the Commission to
13 define certain terms in any such regulations adopted by the Commission. **Section 3**
14 of this bill makes conforming changes to allow the Commission to define the term
15 “passenger car” for the purposes of any such regulations adopted by the
16 Commission.



17 Existing law authorizes the Department of Motor Vehicles to impose an
18 administrative fine for violations relating to emissions standards and enforce any
19 requirements relating to such standards adopted by the Commission. (NRS
20 445B.835) **Section 1** instead authorizes: (1) the Commission to impose
21 administrative fines for a violation of the emissions standards adopted by the
22 Commission for the control of emissions from new motor vehicles and new motor
23 vehicle engines; and (2) the State Department of Conservation and Natural
24 Resources to enforce any requirements adopted by the Commission relating to such
25 standards. **Section 6** of this bill makes conforming changes to transfer the authority
26 to impose administrative fines and enforce such standards.

27 Existing law provides that: (1) it is unlawful for a person to commit certain
28 violations and take certain actions relating to the control of emissions; and (2) such
29 violations and actions are subject to criminal penalties. (NRS 445B.840, 445B.845)
30 **Section 1** provides that a violation of the provisions of **section 1** and any regulation
31 or order adopted or issued pursuant thereto is not subject to criminal penalties.
32 **Sections 7 and 8** of this bill make conforming changes to provide that such actions
33 are not subject to criminal penalties.

34 **Sections 2, 4 and 5** of this bill make conforming changes to indicate the proper
35 placement of the provisions of **section 1** in the Nevada Revised Statutes and to
36 establish certain exceptions to existing law.

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

1 **Section 1.** Chapter 445B of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The Commission may by regulation prescribe standards*
4 *and other requirements for the control of emissions from new*
5 *motor vehicles and new motor vehicle engines in accordance with*
6 *42 U.S.C. § 7507.*

7 *2. If regulations are adopted by the Commission pursuant to*
8 *subsection 1, such regulations must define the following terms:*

9 *(a) "Light-duty truck";*

10 *(b) "Medium-duty motor vehicle";*

11 *(c) "Medium-duty passenger vehicle";*

12 *(d) "New motor vehicle" and "new motor vehicle engine"*
13 *consistent with the definitions set forth in 42 U.S.C. § 7550; and*

14 *(e) "Passenger car."*

15 *3. The Commission may impose an administrative fine, not to*
16 *exceed \$10,000 per day and \$25,000 per vehicle, for a violation of*
17 *any provision of this section and any regulation or order adopted*
18 *or issued pursuant thereto. Any person fined pursuant to this*
19 *section is entitled to a hearing after reasonable notice in*
20 *accordance with NRS 233B.121.*

21 *4. Any administrative fine collected by the Commission*
22 *pursuant to subsection 3 must be deposited with the State*
23 *Treasurer for credit to the Pollution Control Account.*



1 **5. The State Department of Conservation and Natural**
2 **Resources may:**

3 **(a) Compel compliance with the provisions of this section and**
4 **any regulation or order adopted or issued pursuant thereto, by**
5 **injunction or other appropriate remedy; and**

6 **(b) Institute and maintain in the name of the State of Nevada**
7 **any enforcement proceedings.**

8 **6. A person who violates the provisions of this section or any**
9 **regulation or order adopted or issued pursuant thereto is not**
10 **subject to any criminal penalty for such a violation.**

11 **Sec. 2.** NRS 445B.700 is hereby amended to read as follows:

12 445B.700 As used in NRS 445B.700 to 445B.845, inclusive,
13 **and section 1 of this act**, unless the context otherwise requires, the
14 words and terms defined in NRS 445B.705 to 445B.7585, inclusive,
15 have the meanings ascribed to them in those sections.

16 **Sec. 3.** NRS 445B.750 is hereby amended to read as follows:

17 445B.750 "Passenger car" ~~has the meaning ascribed to it in~~
18 ~~NRS 484A.160.]~~ **means, except as otherwise provided in section 1**
19 **of this act and any regulations adopted pursuant thereto, any**
20 **motor vehicle, except a motorcycle or motor-driven cycle, designed**
21 **for carrying 10 passengers or less and used for the transportation**
22 **of persons.**

23 **Sec. 4.** NRS 445B.759 is hereby amended to read as follows:

24 445B.759 1. The provisions of NRS 445B.700 to 445B.845,
25 inclusive, **and section 1 of this act** do not apply to:

26 (a) Military tactical vehicles;

27 (b) Replica vehicles; or

28 (c) Retired military vehicles registered pursuant to
29 NRS 482.3817.

30 2. As used in this section:

31 (a) "Military tactical vehicle" means a motor vehicle that is:

32 (1) Owned or controlled by the United States Department of
33 Defense or by a branch of the Armed Forces of the United States;
34 and

35 (2) Used in combat, combat support, combat service support,
36 tactical or relief operations, or training for such operations.

37 (b) "Replica vehicle" means any passenger car or light-duty
38 motor vehicle which:

39 (1) Has a body manufactured after 1967 which is made to
40 resemble a vehicle of a model manufactured before 1968;

41 (2) Has been altered from the original design of the
42 manufacturer or has a body constructed from materials which are
43 not original to the vehicle;



1 (3) Is maintained solely for occasional transportation,
2 including exhibitions, club activities, parades, tours or other similar
3 uses; and

4 (4) Is not used for daily transportation.

5 ➤ The term does not include a vehicle which has been restored to its
6 original design by replacing parts or a retired military vehicle
7 registered pursuant to NRS 482.3817.

8 (c) "Retired military vehicle" has the meaning ascribed to it in
9 NRS 482.3817.

10 **Sec. 5.** NRS 445B.760 is hereby amended to read as follows:

11 445B.760 1. ~~[The]~~ *Except as otherwise provided in section 1*
12 *of this act, the* Commission may by regulation prescribe standards
13 for exhaust emissions, fuel evaporative emissions and visible
14 emissions of smoke from mobile internal combustion engines on the
15 ground or in the air, including, but not limited to, aircraft, motor
16 vehicles, snowmobiles and railroad locomotives. The regulations
17 must provide for the exemption from such standards of:

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

19 (b) A vehicle for which special license plates have been issued
20 pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 if the
21 owner of such a vehicle certifies to the Department of Motor
22 Vehicles, on a form provided by the Department of Motor Vehicles,
23 that the vehicle was not driven more than 5,000 miles during the
24 immediately preceding year.

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]~~ *Except as otherwise provided in section 1 of this act,*
35 *any* such standards which pertain to motor vehicles must be
36 approved by the Department of Motor Vehicles before they are
37 adopted by the Commission.

38 **Sec. 6.** NRS 445B.835 is hereby amended to read as follows:

39 445B.835 *Except as otherwise provided in section 1 of this*
40 *act:*

41 1. The Department of Motor Vehicles may impose an
42 administrative fine, not to exceed \$2,500, for a violation of any
43 provision of NRS 445B.700 to 445B.845, inclusive, *and section 1*
44 *of this act,* or any rule, regulation or order adopted or issued
45 pursuant thereto. The Department shall afford to any person so fined



1 an opportunity for a hearing pursuant to the provisions of
2 NRS 233B.121.

3 2. All administrative fines collected by the Department
4 pursuant to subsection 1 must be deposited with the State Treasurer
5 for credit to the Pollution Control Account.

6 3. In addition to any other remedy provided by NRS 445B.700
7 to 445B.845, inclusive, *and section 1 of this act*, the Department
8 may compel compliance with any provision of NRS 445B.700 to
9 445B.845, inclusive, *and section 1 of this act*, and any rule,
10 regulation or order adopted or issued pursuant thereto, by injunction
11 or other appropriate remedy and the Department may institute and
12 maintain in the name of the State of Nevada any such enforcement
13 proceedings.

14 **Sec. 7.** NRS 445B.840 is hereby amended to read as follows:

15 445B.840 ~~HA~~ *Except as otherwise provided in section 1 of*
16 *this act, it is unlawful for any person to:*

17 1. Possess any unauthorized evidence of compliance;

18 2. Make, issue or use any imitation or counterfeit evidence of
19 compliance;

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

23 4. Issue evidence of compliance if he or she is not a licensed
24 inspector of an authorized inspection station, authorized station or
25 fleet station.

26 **Sec. 8.** NRS 445B.845 is hereby amended to read as follows:

27 445B.845 1. ~~AA~~ *Except as otherwise provided in section 1*
28 *of this act, a violation of any provision of NRS 445B.700 to*
29 *445B.845, inclusive, relating to motor vehicles, or any regulation*
30 *adopted pursuant thereto relating to motor vehicles, is a*
31 *misdemeanor. The provisions of NRS 445B.700 to 445B.845,*
32 *inclusive, or any regulation adopted pursuant thereto, must be*
33 *enforced by any peace officer.*

34 2. Satisfactory evidence that the motor vehicle or its equipment
35 conforms to those provisions or regulations, when supplied by the
36 owner of the motor vehicle to the Department of Motor Vehicles
37 within 10 days after the issuance of a citation pursuant to subsection
38 1, may be accepted by the court as a complete or partial mitigation
39 of the offense.

40 **Sec. 9.** 1. Any administrative regulations adopted by an
41 officer or an agency whose name has been changed or whose
42 responsibilities have been transferred pursuant to the provisions of
43 this act to another officer or agency remain in force until amended
44 by the officer or agency to which the responsibility for the adoption
45 of the regulations has been transferred.



1 2. Any contracts or other agreements entered into by an officer
2 or agency whose name has been changed or whose responsibilities
3 have been transferred pursuant to the provisions of this act to
4 another officer or agency are binding upon the officer or agency to
5 which the responsibility for the administration of the provisions of
6 the contract or other agreement has been transferred. Such contracts
7 and other agreements may be enforced by the officer or agency to
8 which the responsibility for the enforcement of the provisions of the
9 contract or other agreement has been transferred.

10 3. Any action taken by an officer or agency whose name has
11 been changed or whose responsibilities have been transferred
12 pursuant to the provisions of this act to another officer or agency
13 remains in effect as if taken by the officer or agency to which the
14 responsibility for the enforcement of such actions has been
15 transferred.

16 **Sec. 10.** This act becomes effective upon passage and
17 approval.



