

State of Nevada Applicable State Implementation Plan¹

REGULATORY ELEMENTS: MOBILE SOURCES

January 28, 1972 – April 8, 2013
(Through and including 9/27/2010 final FR action)
Last revised April 8, 2013, akm

TITLE 40 - CHAPTER 445B – AIR POLLUTION

EMISSIONS FROM ENGINES

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¹ *These are the regulatory elements of Nevada's Mobile Sources SIP to the best of the NDEP's knowledge; this may vary somewhat from the U.S. EPA version. This Mobile Sources SIP is current as of April 8, 2013 and includes EPA's most recent final rulemakings: 73 FR 38124, 7/3/08; 74 FR 3975, 1/22/09; and 75FR186 59090, 9/27/10.*

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TITLE 51 - CHAPTER 590 – MOTOR VEHICLE FUEL, PETROLEUM PRODUCTS AND ANTIFREEZE

FUELS

590.065 Gasoline: Adoption by reference of specifications; limitations on vapor pressure; minimum temperatures for vapor lock; limitations on contents.

Approved Reference:	Mobile Sources State Implementation Plan Text of Regulations	FR
NAC #	TITLE 40 CHAPTER 445B - AIR POLLUTION EMISSIONS FROM ENGINES General Provisions	
445B.400	<p>Scope. (NRS 445B.210, 445B.760, 445B.785, 445B.790) The provisions of <u>NAC 445B.400</u> to <u>445B.735</u>, inclusive, provide the standards for controlling engine emissions.</p> <p>(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-28-88; A 11-10-92; A by Environmental Comm'n, 7-5-94; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; R079-98, 9-25-98; A by Dep't of Motor Veh. by R003-04, 2-3-2005; R068-05, 6-1-2006, eff. 9-1-2006)</p>	73FR38124 7/3/2008
445B.401	<p>Definitions. (NRS 445B.210, 445B.785) As used in <u>NAC 445B.400</u> to <u>445B.735</u>, inclusive, unless the context otherwise requires, the words and terms defined in <u>NAC 445B.403</u> to <u>445B.4556</u>, inclusive, have the meanings ascribed to them in those sections.</p> <p>(Supplied in codification; A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; 11-10-92; 11-23-92; 7-1-94; A by Environmental Comm'n, 7-5-94; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; A by Environmental Comm'n by R205-97, 3-5-98; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98; A by Dep't of Motor Veh. by R178-01, 8-21-2002)</p>	73FR38124 7/3/2008
445B.403	<p>“Approved inspector” defined. (NRS 445B.210, 445B.785) “Approved inspector” has the meaning ascribed to it in <u>NRS 445B.705</u>. [Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.2, eff. 1-10-78]—(NAC A 10-1-83; 11-23-87, eff. 1-1-88; 8-19-94)</p>	73FR38124 7/3/2008
445B.4045	<p>“Authorized inspection station” defined. (NRS 445B.785) “Authorized inspection station” has the meaning ascribed to it in <u>NRS 445B.710</u>.</p> <p>(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 8-19-94)</p>	73FR38124 7/3/2008
445B.405	<p>“Authorized station” defined. (NRS 445B.210, 445B.785) “Authorized station” has the meaning ascribed to it in <u>NRS 445B.720</u>. [Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.3, eff. 1-10-78]—(Substituted in revision for NAC 445.854)</p>	73FR38124 7/3/2008
445B.408	<p>“Carbon monoxide” defined. (NRS 445B.210, 445B.785) “Carbon monoxide” (CO) means a colorless, odorless, highly toxic gas that is a normal by-product of incomplete fossil fuel combustion.</p> <p>[Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.4, eff. 1-10-78]—(Substituted in revision for NAC 445.855)</p>	73FR38124 7/3/2008
445B.409	<p>“Certificate of compliance” defined. (NRS 445B.210, 445B.785) “Certificate of compliance” means a certificate printed by an emissions analyzer and issued by an approved inspector in a test station.</p> <p>[Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.5, eff. 1-10-78]—(NAC A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; 9-13-95)</p>	73FR38124 7/3/2008
445B.4092	<p>“Certified on-board diagnostic system” defined. (NRS 445B.785) “Certified on-board diagnostic system” means a computer system which is contained within the vehicle and which is certified by the United States Environmental Protection Agency to be fully capable of monitoring all the sensors and actuators in the drivetrain of the vehicle to determine whether the sensors and actuators are working as intended.</p> <p>(Added to NAC by Dep't of Motor Veh. by R178-01, eff. 8-21-2002)</p>	73FR38124 7/3/2008

Approved Reference:	Mobile Sources State Implementation Plan Text of Regulations	FR
NAC #		
445B.4096	“Class 1 approved inspector” defined. (NRS 445B.785) “Class 1 approved inspector” means an approved inspector who is licensed by the Department only to test exhaust emissions. (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-13-95)	73FR38124 7/3/2008
445B.4097	“Class 1 fleet station” defined. (NRS 445B.785) “Class 1 fleet station” means a fleet station which is licensed by the Department only to test exhaust emissions. (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-13-95)	73FR38124 7/3/2008
445B.4098	“Class 2 approved inspector” defined. (NRS 445B.785) “Class 2 approved inspector” means an approved inspector who is licensed by the Department to test exhaust emissions and to diagnose, repair and service devices for the control of exhaust emissions. (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-13-95)	73FR38124 7/3/2008
445B.4099	“Class 2 fleet station” defined. (NRS 445B.785) “Class 2 fleet station” means a fleet station which is licensed by the Department to test exhaust emissions and to diagnose, repair and service devices for the control of exhaust emissions. (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-13-95)	73FR38124 7/3/2008
445B.410	“CO₂” defined. (NRS 445B.785) “CO ₂ ” means carbon dioxide. (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-28-88)—(Substituted in revision for NAC 445.8565)	73FR38124 7/3/2008
445B.411	“Commission” defined. (NRS 445B.210, 445B.785) “Commission” means the State Environmental Commission. [Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.6, eff. 1-10-78]—(Substituted in revision for NAC 445.857)	73FR38124 7/3/2008
445B.413	“Department” defined. (NRS 445B.210, 445B.785) “Department” means the Department of Motor Vehicles. [Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.8, eff. 1-10-78]—(NAC A 11-19-85, eff. 1-1-86)—(Substituted in revision for NAC 445.859)	73FR38124 7/3/2008
445B.415	“Director” defined. (NRS 445B.785) “Director” means the Director of the Department. (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 8-19-94)	73FR38124 7/3/2008
445B.416	“Emission” defined. (NRS 445B.210, 445B.785) “Emission” means the act of passing into the atmosphere an air contaminant or a gas stream which contains or may contain an air contaminant or the material passed to the atmosphere. [Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.10, eff. 1-10-78]—(Substituted in revision for NAC 445.861)	73FR38124 7/3/2008
445B.418	“EPA” defined. (NRS 445B.785) “EPA” means Environmental Protection Agency. (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-28-88)—(Substituted in revision for NAC 445.8615)	73FR38124 7/3/2008
445B.419	“Established place of business” defined. (NRS 445B.210, 445B.785) “Established place of business” means a permanent structure: 1. Owned either in fee or leased with sufficient space to test, inspect or adjust, if needed, one or more motor vehicles for which evidence of compliance may be issued; and 2. Large enough to accommodate the office or offices of a test station to provide a safe place to keep the books, evidence of compliance and all other records of the station. [Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.11, eff. 1-10-78]—(NAC A by Dep’t of Motor Veh. & Pub. Safety, 9-13-95; R079-98, 9-25-98)	73FR38124 7/3/2008
445B.420	“Evidence of compliance” defined. (NRS 445B.210, 445B.785) “Evidence of compliance” has the meaning ascribed to it in <u>NRS</u>	73FR38124

Approved Reference: NAC #	Mobile Sources State Implementation Plan Text of Regulations	FR
	445B.730, and includes, without limitation, a certificate of compliance and a vehicle inspection report. [Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.12, eff. 1-10-78]—(NAC A 10-1-83; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98)	7/3/2008
445B.421	“Exhaust emissions” defined. (NRS 445B.210, 445B.785) “Exhaust emissions” means air contaminants emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine. [Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.13, eff. 1-10-78]—(Substituted in revision for NAC 445.864)	73FR38124 7/3/2008
445B.422	“Exhaust gas analyzer” defined. (NRS 445B.210, 445B.785) “Exhaust gas analyzer” means a device for sensing the amount of air contaminants in the exhaust emissions of a motor vehicle. [Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.14, eff. 1-10-78]—(Substituted in revision for NAC 445.865)	73FR38124 7/3/2008
445B.424	“Fleet station” defined. (NRS 445B.210, 445B.785) “Fleet station” has the meaning ascribed to it in NRS 445B.735. [Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.16, eff. 1-10-78]—(NAC A by Dep't of Motor Veh. & Pub. Safety, 8-19-94)	73FR38124 7/3/2008
445B.4247	“Gross vehicle weight rating” defined. (NRS 445B.785) “Gross vehicle weight rating” means the maximum weight at which a motor vehicle can be operated safely, as specified in pounds by the manufacturer on the certification label of the motor vehicle, as described in 49 C.F.R. Part 567. (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 8-19-94)	73FR38124 7/3/2008
445B.426	“Heavy-duty motor vehicle” defined. (NRS 445B.210, 445B.785) “Heavy-duty motor vehicle” means: 1. A truck which has a gross vehicle weight rating of 8,500 pounds or more; 2. A motor vehicle which is designed for the transportation of persons and has a capacity of more than 15 persons; or 3. A motor home, mini motor home or a camper mounted on a chassis. [Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.18, eff. 1-10-78; A 12-20-79]—(NAC A 10-1-83; 11-19-85, eff. 1-1-86; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98)	73FR38124 7/3/2008
445B.427	“Hydrocarbon” defined. (NRS 445B.210, 445B.785) “Hydrocarbon” (HC) means any compound containing hydrogen and carbon as hexane. (Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88)—(Substituted in revision for NAC 445.8695)	73FR38124 7/3/2008
445B.428	“Hz” defined. (NRS 445B.785) “Hz” means hertz, a unit of frequency equal to one cycle per second. (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-28-88)—(Substituted in revision for NAC 445.8697)	73FR38124 7/3/2008
445B.432	“Light-duty motor vehicle” defined. (NRS 445B.210, 445B.785) “Light-duty motor vehicle” means: 1. A truck which has a gross vehicle weight rating of less than 8,500 pounds; 2. A motor vehicle which is subject to the laws of this State requiring registration, is capable of transporting persons and has a capacity of 15 persons or less; 3. A van conversion; or 4. Any other motor vehicle which is powered by gasoline, except a heavy-duty motor vehicle. [Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.21, eff. 1-10-78; A 12-20-79]—(NAC A 10-1-83; 11-19-85, eff. 1-1-86; A by	73FR38124 7/3/2008

Approved Reference: NAC #	Mobile Sources State Implementation Plan Text of Regulations	FR
	Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98)	
445B.433	“Mini motor home” defined. (NRS 445B.210, 445B.785) “Mini motor home” has the meaning ascribed to it in <u>NRS 482.066</u> . (Added to NAC by Environmental Comm’n & Dep’t of Motor Veh., eff. 10-1-83)—(Substituted in revision for NAC 445.8725)	73FR38124 7/3/2008
445B.434	“Motor home” defined. (NRS 445B.210, 445B.785) “Motor home” has the meaning ascribed to it in <u>NRS 482.071</u> . (Added to NAC by Environmental Comm’n & Dep’t of Motor Veh., eff. 10-1-83)—(Substituted in revision for NAC 445.8735)	73FR38124 7/3/2008
445B.435	“Motor vehicle” defined. (NRS 445B.210, 445B.785) “Motor vehicle” has the meaning ascribed to it in <u>NRS 445B.745</u> . [Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.24, eff. 1-10-78]—(Substituted in revision for NAC 445.874)	73FR38124 7/3/2008
445B.440	“New motor vehicle” defined. (NRS 445B.210, 445B.785) “New motor vehicle” means a motor vehicle that has never been registered with the Department and has never been registered with the appropriate agency or authority of any other state, the District of Columbia, any territory or possession of the United States, or foreign state, province or country. [Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.25, eff. 1-10-78]—(Substituted in revision for NAC 445.875)	73FR38124 7/3/2008
445B.442	“Opacity” defined. (NRS 445B.210, 445B.785) “Opacity” means the property of a substance tending to obscure vision and measured in terms of percent obscuration. [Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.27, eff. 1-10-78; renumbered as § 1.28, 12-20-79]—(NAC A 11-23-87, eff. 1-1-88)—(Substituted in revision for NAC 445.878)	73FR38124 7/3/2008
445B.443	“Person” defined. (NRS 445B.210, 445B.785) “Person” includes the Federal Government, the State of Nevada, or any of its political subdivisions and any other administrative agency, public or quasi-public corporation, or other legal entity. [Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.28, eff. 1-10-78; renumbered as § 1.29, 12-20-79]—(NAC A 11-23-87, eff. 1-1-88)—(Substituted in revision for NAC 445.879)	73FR38124 7/3/2008
445B.444	“ppm” defined. (NRS 445B.785) “ppm” means part per million. (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-28-88)—(Substituted in revision for NAC 445.8795)	73FR38124 7/3/2008
445B.449	“Smoke” defined. (NRS 445B.210, 445B.785) “Smoke” means a stream of visible emissions of exhaust from a vehicle. [Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.31, eff. 1-10-78; renumbered as § 1.33, 12-20-79]—(NAC A 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88)—(Substituted in revision for NAC 445.883)	73FR38124 7/3/2008
445B.450	“Special mobile equipment” defined. (NRS 445B.210, 445B.785) “Special mobile equipment” means every motor vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved upon a paved roadway. [Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.32, eff. 1-10-78; renumbered as § 1.34, 12-20-79]—(Substituted in revision for NAC 445.884)	73FR38124 7/3/2008
445B.451	“Standard” defined. (NRS 445B.210, 445B.785) “Standard” means a standard of performance adopted pursuant to <u>NAC 445B.400</u> to <u>445B.735</u> , inclusive. [Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.33, eff. 1-10-78; renumbered as § 1.35, 12-20-79]—(NAC A by Environmental Comm’n, 7-5-94; A by Dep’t of Motor Veh. & Pub. Safety, 8-19-94; R079-98, 9-25-98)	73FR38124 7/3/2008
445B.4515	“State electronic data transmission system” defined. (NRS 445B.785) “State electronic data transmission system” means the system that provides the transfer of data between individual exhaust gas analyzers in test stations and the Department.	73FR38124 7/3/2008

Approved Reference:	Mobile Sources State Implementation Plan	FR
NAC #	Text of Regulations	
	(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R079-98, eff. 9-25-98)	
445B.452	<p>“Tampering” defined. (NRS 445B.210, 445B.785) “Tampering” means rendering inoperative or intentional misadjustment of any motor vehicle device or element of design intended to control exhaust emissions.</p> <p>[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.34, eff. 1-10-78; renumbered as § 1.36, 12-20-79]—(Substituted in revision for NAC 445.886)</p>	73FR38124 7/3/2008
445B.4525	<p>“Test station” defined. (NRS 445B.785) “Test station” means an authorized station, authorized inspection station or a fleet station.</p> <p>(Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 8-19-94; A by R079-98, 9-25-98)</p>	73FR38124 7/3/2008
445B.453	<p>“Truck” defined. (NRS 445B.210, 445B.785) “Truck” means a motor vehicle:</p> <ol style="list-style-type: none"> 1. Which is used for the transportation of property; and 2. Whose body has been designed and built for that purpose. <p>(Added to NAC by Environmental Comm’n & Dep’t of Motor Veh., eff. 10-1-83)—(Substituted in revision for NAC 445.8863)</p>	73FR38124 7/3/2008
445B.454	<p>“Used motor vehicle” defined. (NRS 445B.210, 445B.785) “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.</p> <p>[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.36, eff. 1-10-78; renumbered as § 1.38, 12-20-79]—(Substituted in revision for NAC 445.887)</p>	73FR38124 7/3/2008
445B.455	<p>“Van conversion” defined. (NRS 445B.210, 445B.785) “Van conversion” has the meaning ascribed to it in <u>NRS 482.1345</u>.</p> <p>(Added to NAC by Environmental Comm’n & Dep’t of Motor Veh., eff. 10-1-83)—(Substituted in revision for NAC 445.8875)</p>	73FR38124 7/3/2008
445B.4553	<p>“Vehicle inspection report” defined. (NRS 445B.785) “Vehicle inspection report” means a certificate that:</p> <ol style="list-style-type: none"> 1. Is issued by an approved inspector in a test station; and 2. If the vehicle inspection report concerns a motor vehicle subject to the provisions of <u>NAC 445B.580</u>, is printed by an exhaust gas analyzer connected to the state electronic data transmission system. <p>(Added to NAC by Dep’t of Motor Veh. & Pub. Safety by R079-98, eff. 9-25-98; A by Dep’t of Motor Veh. by R178-01, 8-21-2002)</p>	73FR38124 7/3/2008
445B.4556	<p>“Vehicle inspection report number” defined. (NRS 445B.785) “Vehicle inspection report number” means the number assigned to the vehicle inspection report by the Department.</p> <p>(Added to NAC by Dep’t of Motor Veh. & Pub. Safety by R079-98, eff. 9-25-98)</p>	73FR38124 7/3/2008
445B.456	<p>Severability. (NRS 445B.210, 445B.785) If any of the provisions of <u>NAC 445B.400 to 445B.735</u>, inclusive, or any application thereof to any person, thing or circumstance is held invalid, it is intended that such invalidity will not affect the remaining provisions, or their application, that can be given effect without the invalid provision or application.</p> <p>[Environmental Comm’n & Dep’t of Motor Veh. Red. § 2.1.1, eff. 1-10-78]—(NAC A by Environmental Comm’n, 7-5-94; A by Dep’t of Motor Veh. & Pub. Safety, 8-19-94; R079-98, 9-25-98)</p>	73FR38124 7/3/2008
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445B.460	<p>Test station: License required to operate; expiration of license; ratings; performance of certain services; prohibited acts; location. (NRS 445B.210, 445B.770, 445B.785)</p>	73FR38124 7/3/2008

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	<p>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.</p> <p>2. A license that:</p> <p>(a) Was issued for a test station before September 25, 1998, expires on September 30 of each calendar year.</p> <p>(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.</p> <p>3. A test station must obtain from the Department:</p> <p>(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 <u>NAC 445B.580</u>, use an exhaust gas analyzer 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.</p> <p>(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 <u>NAC 445B.589</u>, use a dynamometer and a smoke opacity meter that comply with the requirements of <u>NAC 445B.587</u> and at least one approved inspector who has a “D” rating to perform the exhaust emissions tests.</p> <p>4. A facility which holds a license as an authorized inspection station or class 1 fleet station:</p> <p>(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.</p> <p>(b) May:</p> <p>(1) Change oil;</p> <p>(2) Replace an oil filter, air filter, fuel filter, external conventional or serpentine accessory drive belt or cooling system hose; and</p> <p>(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:</p> <p>(I) Replace the spark plugs, secondary cables for the spark plugs, distributor cap, rotor, points or condenser of the vehicle; and</p> <p>(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.</p> <p>(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.</p> <p>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.</p> <p>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.</p> <p>7. A person or business which manufactures, sells, repairs, rents or leases exhaust gas analyzers approved by the Department for the</p>	

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	<p>testing of exhaust emissions shall not own or hold any ownership interest in any business licensed to operate a test station.</p> <p>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:</p> <ul style="list-style-type: none"> (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. <p>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:</p> <ul style="list-style-type: none"> (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. <p>[Environmental Comm'n, Engine Emission Control Reg. § 3.10.1, eff. 1-10-78; A 12-20-79; § 3.11.2, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; 8-19-94; 9-13-95; R079-98, 9-25-98; A by Dep't of Motor Veh. by R178-01, 8-21-2002; A by Environmental Comm'n by R023-02, 9-20-2002; R106-05, 10-31-2005; A by Dep't of Motor Veh. by R065-05, 6-1-2006, eff. 9-1-2006)</p>		
445B.461	<p>Compliance by Federal Government, state agencies and political subdivisions. (NRS 445B.210, 445B.770, 445B.785)</p> <p>1. A license may be issued to the Federal Government or any state agency or political subdivision of the State to inspect motor vehicles owned by the State or political subdivision for the purpose of compliance with <u>NAC 445B.400</u> to <u>445B.735</u>, inclusive.</p> <p>2. The Federal Government or any state agency or political subdivision, in complying with <u>NAC 445B.400</u> to <u>445B.735</u>, inclusive, shall submit to the Department annually a list, in a form prescribed by the Department, of those motor vehicles which are assigned license plates issued by the Department as described in <u>NRS 482.368</u>.</p> <p>3. The holder of a license issued pursuant to subsection 1 is exempt from the requirements set forth in the following sections for the limited purposes indicated:</p> <ul style="list-style-type: none"> (a) Bond, <u>NAC 445B.465</u>; (b) Evidence of compliance, <u>NAC 445B.583</u> to <u>445B.586</u>, inclusive; (c) Sign, <u>NAC 445B.469</u>; and <p>[Environmental Comm'n, Engine Emission Control Reg. §§ 3.14.1-3.14.3, eff. 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; A by Environmental Comm'n, 12-26-89; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98)</p>		74FR3975 1/22/09

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445B.462	<p>Test station: Application for license to operate; inspection of premises; issuance of license. (<u>NRS 445B.210, 445B.770, 445B.785, 445B.790</u>)</p> <p>1. An application for a license to operate a test station must be filed on a form supplied by the Department. The applicant must:</p> <p>(a) Specify in writing the type of license and, if applicable, the class of license and the rating or ratings for which he is applying; and</p> <p>(b) Furnish such proof as the Director deems necessary to determine whether the applicant is qualified to operate a test station, including, without limitation, proof that he is at least 18 years of age and has an established place of business in this State.</p> <p>2. Before an application is approved, an authorized representative of the Department will inspect the premises. The Department will determine whether the premises and equipment comply with the requirements of the Department and whether the persons employed by the applicant are adequately trained to perform the duties for which they are licensed or rated, as appropriate.</p> <p>3. A license for:</p> <p>(a) An authorized inspection station or class 1 fleet station will not be issued to an applicant unless he is a class 1 approved inspector or class 2 approved inspector, or he employs at least one class 1 approved inspector or class 2 approved inspector, with the rating or ratings for which the applicant is applying.</p> <p>(b) An authorized station or class 2 fleet station will not be issued to an applicant unless he is a class 2 approved inspector, or he employs at least one class 2 approved inspector, with the rating or ratings for which the applicant is applying.</p> <p>4. If the Department is satisfied that the applicant for a license to operate a test station is entitled to a license, it will issue him a license to operate a test station. The license will set forth the:</p> <p>(a) Name of the station;</p> <p>(b) Type and, if applicable, class of station;</p> <p>(c) Rating or ratings approved for the station;</p> <p>(d) Address of the established place of business of the licensee; and</p> <p>(e) Date on which the license expires.</p> <p>[Environmental Comm'n, Engine Emission Control Reg. §§ 3.10.2, 3.10.3, 3.11.1-3.11.1.2 & 3.11.3, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98)</p>	73FR38124 7/3/2008
445B.463	<p>Test station: Grounds for denial, revocation or suspension of license; reapplication; permanent revocation of license. (<u>NRS 445B.210, 445B.770, 445B.785, 445B.790</u>)</p> <p>1. Each of the following acts, omissions and conditions may constitute a ground for the denial of an application for a license to operate a test station or for the revocation or suspension of such a license:</p> <p>(a) Failure of the applicant or licensee to have an established place of business in this State.</p> <p>(b) Material misstatement on the application.</p> <p>(c) Unfitness of the applicant or licensee, which includes, without limitation, a pattern of payment to the Department with checks that are returned because of insufficient funds.</p> <p>(d) The conviction of the applicant or licensee of a felony in this or any other state, any territory of the United States or in any other</p>	73FR38124 7/3/2008

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	<p>nation.</p> <p>(e) The conviction of the applicant or licensee for violating any provision of <u>NAC 445B.400 to 445B.735</u>, inclusive.</p> <p>(f) The conviction of the applicant or licensee for violating any provisions of <u>chapter 598</u> of NRS relating to deceptive trade practices.</p> <p>(g) Refusing to allow an agent of the Department to inspect, during normal business hours, all books, records and files of the test station which are kept within this State. The Department will treat the financial records and information obtained from an investigation as confidential and will reveal such records or information only to persons involved in the enforcement or administration of the regulations of the Department, or as otherwise required by law.</p> <p>(h) Commission of any fraudulent act, including, without limitation:</p> <p style="padding-left: 20px;">(1) Misrepresentation of a material fact in any manner, whether intentional or grossly negligent; and</p> <p style="padding-left: 20px;">(2) An intentional failure to disclose a material fact.</p> <p>(i) Willful failure to comply with any regulation of the Department.</p> <p>2. In addition to the acts, omissions and conditions set forth in subsection 1, any attempt to alter the readings obtained during a test of exhaust emissions or to modify or remove the data obtained by an exhaust gas analyzer or a certified on-board diagnostic system may constitute a ground for the revocation or suspension of a license to operate a test station.</p> <p>3. An applicant or licensee may not reapply for a license after its denial, revocation or suspension by the Department:</p> <p style="padding-left: 20px;">(a) Until he has taken an action which removes the ground for the denial, revocation or suspension; or</p> <p style="padding-left: 20px;">(b) Within 1 year after the denial, revocation or suspension,</p> <p>↳ whichever occurs first.</p> <p>4. When the Department determines that a licensee has engaged in conduct which is egregious or poses a serious risk to the public safety, the Department may, in its discretion, permanently revoke the license of that licensee.</p> <p>[Dep't of Motor Veh., Engine Emission Control Reg. § 4.9.1, eff. 1-10-78; A 12-20-79; §§ 4.9.1.1 & 4.9.1.2, eff. 1-10-78; § 4.9.1.3, eff. 1-10-78; A 12-20-79; § 4.9.1.4, eff. 1-10-78; A and renumbered as § 4.9.1.5, 12-20-79; § 4.9.1.4, eff. 12-20-79; § 4.9.1.5, eff. 1-10-78; renumbered as § 4.9.1.6, 12-20-79; §§ 4.9.1.6 & 4.9.1.7, eff. 1-10-78; § 4.9.1.8, eff. 1-10-78; renumbered as § 4.9.1.9, 12-20-79; §§ 4.9.1.10-4.9.1.13, eff. 12-20-79; § 4.9.3, eff. 1-10-78; A 12-20-79; § 5.7, eff. 6-19-80]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85, eff. 1-1-86; A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; 8-19-94; 9-13-95; A by Environmental Comm'n by R205-97, 3-5-98; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98; A by Dep't of Motor Veh. by R178-01, 8-21-2002)</p>		
445B.464	<p>Test station: Hearing concerning denial, suspension or revocation of license. (NRS 445B.785)</p> <p>1. The applicant or licensee may, within 30 days after the receipt of the notice of denial or suspension or revocation, petition the Director in writing for a hearing which will be conducted by the Director or his authorized representative.</p> <p>2. Upon filing the petition, a date for the hearing will be fixed no longer than 20 days after the receipt of the request for hearing. The applicant or licensee is entitled to be present at the hearing, testify in his own behalf and have such other persons as he desires to be present to testify at the hearing.</p> <p>3. Failure of the applicant or licensee to petition the Director in writing for a hearing within the 30-day period constitutes an automatic</p>		73FR38124 7/3/2008

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	<p>denial of the application or suspension or revocation of the license of the test station.</p> <p>4. Within 10 days after the hearing, the Director or his authorized representative will:</p> <p>(a) Grant or finally deny the application; or</p> <p>(b) Suspend or revoke the license.</p> <p>5. Notwithstanding the provisions of subsections 1 to 4, inclusive, the Department may, if the Director finds that the action is necessary and in the public interest, upon notice to the licensee, temporarily suspend or refuse to renew the license for a period not to exceed 30 days. For good cause, the Director or his designee may extend the period of suspension of the license or continue to refuse to renew the license if he deems such action to be necessary and in the public interest. In any such case, a hearing must be held and a final decision rendered within 30 days after notice of the temporary suspension.</p> <p>[Dep't of Motor Veh., Engine Emission Control Reg. § 4.10.1, eff. 1-10-78; A 12-20-79; § 4.10.2, eff. 1-10-78; § 4.10.2.1, eff. 12-20-79; § 4.10.3, eff. 1-10-78; A 12-20-79; § 4.10.4, eff. 1-10-78]—(NAC A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; R079-98, 9-25-98)</p>		
445B.465	<p>Authorized station or authorized inspection station: Requirements for bond or deposit. (NRS 445B.210, 445B.770, 445B.785)</p> <p>1. Before a license for an authorized station or authorized inspection station is furnished to any person, the Department will require that the applicant procure and file with the Department a good and sufficient bond in the amount of \$1,000 for an authorized station or authorized inspection station. Each bond must have a corporate surety thereon that is licensed to do business within this State and must be approved as to form by the Attorney General. In lieu of the bond, an applicant may place on deposit with the Department:</p> <p>(a) Cash;</p> <p>(b) A bond issued by the United States; or</p> <p>(c) A savings certificate in an amount equal to the bond requirement for the applicant and conditioned that the applicant conducts his business as an authorized station or authorized inspection station without fraud or fraudulent representation and without violation of the provisions of <u>chapters 445A, 445B and 598</u> of NRS or <u>NAC 445B.400 to 445B.735</u>, inclusive.</p> <p>2. The Department may require an increase in the amount of the bond or deposit of a particular licensee if the Department deems it to be necessary and in the public interest.</p> <p>3. The undertaking in the bond or deposit must include, without limitation, any fraud or fraudulent representation or violation of any of the provisions of <u>chapters 445A, 445B and 598</u> of NRS and <u>NAC 445B.400 to 445B.735</u>, inclusive, by any approved inspector or employed agent for or on behalf of the authorized station or authorized inspection station.</p> <p>4. The bond or deposit must provide that any person, including, without limitation, the Department, injured by the action of the licensee or employee acting on behalf of the licensee in violation of any provisions of <u>chapters 445A, 445B and 598</u> of NRS and <u>NAC 445B.400 to 445B.735</u>, inclusive, may bring an action on the bond.</p> <p>5. Any money received by the Department pursuant to this section will be deposited with the State Treasurer for credit to the Pollution Control Account.</p> <p>[Dep't of Motor Veh., Engine Emission Control Reg. § 4.6.1, eff. 1-10-78; A 12-20-79; §§ 4.6.2 & 4.6.3, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98; A by Dep't of Motor Veh. by R065-05, 6-1-2006, eff. 9-1-2006)</p>		73FR38124 7/3/2008

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445B.466	<p>Authorized station or authorized inspection station: Liability under bond or deposit; suspension and reinstatement of licenses. (NRS 445B.210, 445B.770, 445B.785)</p> <p>1. Liability under a bond which is filed or a deposit which is made with the Department pursuant to <u>NAC 445B.465</u> will be in an amount prescribed by the Department.</p> <p>2. The license of an authorized station or authorized inspection station is automatically suspended if:</p> <p>(a) The amount of the bond filed or the deposit made is reduced below the amount required by the Department pursuant to <u>NAC 445B.465</u>; or</p> <p>(b) There is an outstanding judgment for which the authorized station or authorized inspection station is liable under the bond or deposit.</p> <p>3. A license which is suspended pursuant to subsection 2 will be reinstated if the authorized station or authorized inspection station:</p> <p>(a) Files an additional bond pursuant to subsection 1 of <u>NAC 445B.465</u>;</p> <p>(b) Restores the deposit to its original amount; or</p> <p>(c) Satisfies the outstanding judgment for which it is liable.</p> <p>(Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98)</p>	73FR38124 7/3/2008
445B.467	<p>Authorized station or authorized inspection station: Disbursement, release or refund of bond or deposit. (NRS 445B.210, 445B.770, 445B.785) A bond which is filed or a deposit which is made with the Department pursuant to <u>NAC 445B.465</u> may be:</p> <p>1. Disbursed by the Director, for good cause shown and after notice and hearing, in an amount determined by the Director to compensate a person injured by an action of the licensee.</p> <p>2. Released by the Director upon the receipt by the Department of a statement:</p> <p>(a) Signed by a person under whose name the bond or deposit is made;</p> <p>(b) Acknowledged before any person authorized to take such acknowledgments in this State;</p> <p>(c) Requesting that the Director release the bond or deposit, or a specified portion thereof; and</p> <p>(d) Explaining the purpose for which the release of the bond or deposit is requested.</p> <p>3. Refunded by the Director:</p> <p>(a) Automatically 1 year after the date on which the business is terminated if the Director determines that there are no outstanding claims against the bond or deposit; or</p> <p>(b) Pursuant to the order of a court of competent jurisdiction.</p> <p>(Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; R079-98, 9-25-98)</p>	73FR38124 7/3/2008
445B.468	<p>Authorized stations and authorized inspection stations: Scope of coverage of bond or deposit. (NRS 445B.785)</p> <p>1. Except as otherwise provided in subsection 2, a bond which is filed or a deposit which is made with the Department pursuant to <u>NAC 445B.465</u> before September 1, 2006, covers all authorized stations and authorized inspection stations owned by a person if all of his places of business are located in the county where his principal place of business is located.</p> <p>2. Each authorized station or authorized inspection station initially licensed on or after September 1, 2006, and each existing authorized</p>	73FR38124 7/3/2008

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	<p>station or authorized inspection station subject to any change of licensing information on or after September 1, 2006, must file a bond or make a deposit with the Department pursuant to <u>NAC 445B.465</u>. (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 12-28-89; A 8-19-94; 9-13-95; R079-98, 9-25-98; A by Dep't of Motor Veh. by R065-05, 6-1-2006, eff. 9-1-2006)</p>	
445B.469	<p>Authorized station or authorized inspection station: Posting of signs and placards. (<u>NRS 445B.210, 445B.770, 445B.785, 445B.830</u>)</p> <p>1. An authorized station or authorized inspection station shall post, in an area of the station that is accessible to and frequented by the public, all station signs or placards provided by the Department which:</p> <p>(a) Set forth the fee for the emission control test;</p> <p>(b) Set forth the fee for each vehicle inspection report number issued; and</p> <p>(c) Provide information regarding the program of this State for the inspection and maintenance of motor vehicles.</p> <p>2. In addition to the requirements of subsection 1, an authorized station shall post, in an area of the station that is accessible to and frequented by the public, all station signs or placards provided by the Department which set forth the hourly labor rate charged by the authorized station.</p> <p>3. An authorized station or authorized inspection 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.</p> <p>4. For each sign posted by an authorized station or authorized inspection station that is provided by the Department, the Department will collect from the authorized station or authorized inspection station a fee based upon the actual costs incurred by the Department to produce the sign. The fee will be returned if the sign is returned to the Department in a reusable condition.</p> <p>5. An authorized station or authorized inspection station shall pay the costs of repairing and maintaining signs which are in its control. [Dep't of Motor Veh., Engine Emission Control Reg. § 4.5, eff. 1-10-78; A 8-16-78; § 4.5.1, eff. 1-10-78; § 4.5.2, eff. 1-10-78; A 12-20-79; § 4.5.3, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98; A by Dep't of Motor Veh. by R199-01, 7-17-2003; R065-05, 6-1-2006, eff. 9-1-2006)</p>	73FR38124 7/3/2008
445B.470	<p>Test station: Display of licenses; availability of reference information. (<u>NRS 445B.210, 445B.770, 445B.785</u>)</p> <p>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 at a height of not less than 4 feet and not more than 6 feet within an area of the test station that is accessible to and frequented by customers.</p> <p>2. Except as otherwise provided in subsection 3:</p> <p>(a) A test station shall keep the operator's manual for its exhaust gas analyzer readily available to the approved inspector.</p> <p>(b) A test station shall have readily available to the approved inspector 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. 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.</p>	73FR38124 7/3/2008

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	<p>(c) An authorized station or class 2 fleet station shall have readily available to the class 2 approved inspector 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 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:</p> <p>(1) If a telephone or facsimile transmission is not required to access the reference information, by accessing the reference information; and</p> <p>(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.</p> <p>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.</p> <p>[Environmental Comm'n, Engine Emission Control Reg. § 3.10.5, eff. 1-10-78; § 3.10.6, eff. 8-16-78]—(NAC A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; 8-19-94; 9-13-95; R079-98, 9-25-98; A by Dep't of Motor Veh. by R199-01, 7-17-2003; R065-05, 6-1-2006, eff. 9-1-2006)</p>		
445B.471	<p>Test station: Advertising; provision by Department of certain informational material for public. (NRS 445B.785)</p> <p>1. A test station shall not intentionally publish, display or circulate any advertising which is misleading or inaccurate in any material manner or misrepresent any of the services rendered to the public.</p> <p>2. A test station shall not deceive a member of the public by misrepresenting the cost for any service rendered. Any advertisement, promotional material or coupon published by or on behalf of a test station that contains any reference to price or waiver of charges must clearly set forth the total dollar amount to be paid by the customer in print that is comparable in size and style to all other print in the advertisement, promotional material or coupon where price or waiver of charges is discussed. If a test station offers any service for no charge, it must specify, in print that is comparable in size and style and is located immediately adjacent to the print which states there is no charge, whether any costs will be incurred by the customer and for what reason. A test station may not use abbreviations of terms peculiar to the emissions industry in its advertising. The Department will consider advertising to be deceptive if an ordinary and reasonable customer with no experience in the control of emissions could not understand the advertisement.</p> <p>3. The Department will provide a pamphlet for distribution to the general public, and may also provide informational material available by electronic media, which will explain the reasons and methods for the emission control inspection.</p> <p>[Dep't of Motor Veh., Engine Emission Control Reg. §§ 4.7 & 4.7.1, eff. 1-10-78]—(NAC A Dep't of Motor Veh. & Pub. Safety, 8-19-94; R079-98, 9-25-98; A by Dep't of Motor Veh. by R065-05, 6-1-2006, eff. 9-1-2006)</p>		73FR38124 7/3/2008
445B.472	<p>Test station: Records of inspections and repairs; inspection of place of business; audit of exhaust gas analyzers. (NRS 445B.210, 445B.770, 445B.785, 445B.790)</p> <p>1. Each test station shall 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.</p> <p>2. Except as otherwise provided in subsection 3, the principal portion of the established place of business of a test station must be open to inspection by any authorized agent of the Department during regular business hours as set forth in <u>NAC 445B.480</u>.</p>		73FR38124 7/3/2008

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	<p>3. The Department may grant an exception to the requirement set forth in subsection 2 for good cause shown upon a request submitted to the Department by a test station in writing or by electronic mail.</p> <p>4. A representative of the Department will perform an audit of all exhaust gas analyzers located at a test station a minimum of once every calendar month.</p> <p>5. A representative of the Department will perform an accuracy audit using specialty gas specifically designed for that purpose on all exhaust gas analyzers located at a test station a minimum of once every quarter in each calendar year.</p> <p>[Dep't of Motor Veh., Engine Emission Control Reg. § 4.3.6, eff. 1-10-78; A 12-20-79; § 4.3.7, eff. 1-10-78; § 4.3.8, eff. 1-10-78; A 8-16-78; § 4.3.9, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98; A by Dep't of Motor Veh. by R199-01, 7-17-2003; R065-05, 6-1-2006, eff. 9-1-2006)</p>		
445B.473	<p>Test station: Notice of wrongfully distributed or received vehicle inspection reports; inventory of vehicle inspection reports. (NRS 445B.210, 445B.770, 445B.785) The holder of a license for a test station or his agent shall:</p> <ol style="list-style-type: none"> 1. Notify the Department within 24 hours after a vehicle inspection report has been wrongfully distributed or received. 2. Maintain an inventory of vehicle inspection reports to ensure that none have been lost, stolen or wrongfully distributed or received. (Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; A 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; A by Dep't of Motor Veh. by R065-05, 6-1-2006, eff. 9-1-2006) 		73FR38124 7/3/2008
445B.474	<p>Test station: Failure to employ approved inspector. (NRS 445B.210, 445B.770, 445B.785)</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (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 the employment of, or is otherwise not employing, a class 2 approved inspector: <ol style="list-style-type: none"> (a) May continue to operate as an authorized station for not more than 120 days after the last date of employment of the class 2 approved inspector if the authorized station: <ol style="list-style-type: none"> (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 (b) If the authorized station does not qualify for the 120-day grace period provided in paragraph (a) or fails to employ a class 2 approved inspector by the end of the 120-day grace period, shall: 		73FR38124 7/3/2008

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	<p>(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; and (5) Surrender its signs, its license as an authorized station and all of its forms and supplies to the Department. [Dep't of Motor Veh., Engine Emission Control Reg. § 4.8, eff. 1-10-78; §§ 4.8.1 & 4.8.2, eff. 1-10-78; A 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98; A by Dep't of Motor Veh. by R199-01, 7-17-2003)</p>	
445B.475	<p>Authorized station or class 2 fleet station: Requirements for employees. (NRS 445B.785) 1. An employee of an authorized station or class 2 fleet station shall not perform any testing of exhaust emissions or 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 shall have a class 2 approved inspector on the premises during all hours of business. A class 1 approved inspector employed by an authorized station or class 2 fleet station may diagnose, repair and service a device for the control of exhaust emissions only if his work is inspected and approved in writing by a class 2 approved inspector. (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-13-95)</p>	73FR38124 7/3/2008
445B.476	<p>Test station: Willful failure to comply with directive; suspension of license; reapplication after revocation of license. (NRS 445B.210, 445B.770, 445B.785) 1. The failure of a licensee to comply with a directive of the Director advising him of his noncompliance with any provision of <u>NAC 445B.400 to 445B.735</u>, inclusive, within 10 days after his receipt of the directive is prima facie evidence of his willful failure to comply with the directive. 2. If the license of a test station has been suspended for cause, the suspension will be no longer than 90 days. Upon suspension, the license of the test station must be surrendered to the Department. 3. If the license of a test station has been revoked for any cause, except pursuant to <u>NAC 445B.474</u>, the principal officers of the test station may not reapply for a license as a test station within 1 year after the date of the revocation. Upon revocation, the license of the test station must be surrendered to the Department. [Dep't of Motor Veh., Engine Emission Control Reg. § 4.9.2, eff. 1-10-78; A 12-20-79; §§ 4.9.2.1 & 4.9.2.2, eff. 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; A by Environmental Comm'n by R205-97, 3-5-98; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98)</p>	73FR38124 7/3/2008
445B.478	<p>Fleet station: Licensing; powers and duties. (NRS 445B.210, 445B.770, 445B.785) 1. A license for a class 1 fleet station or class 2 fleet station may be issued to an owner or lessee of a fleet of 25 or more motor vehicles. 2. Except as otherwise provided in <u>NAC 445B.400 to 445B.735</u>, inclusive, a fleet station must meet all the requirements applicable to test stations in general.</p>	73FR38124 7/3/2008

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	<p>3. A fleet station may inspect only those motor vehicles which constitute its fleet and may issue evidence of compliance for such motor vehicles which are sold to the public.</p> <p>[Environmental Comm'n, Engine Emission Control Reg. § 3.13.1, eff. 1-10-78; A 12-20-79; § 3.13.3, eff. 1-10-78; renumbered as § 3.13.2, 12-20-79 + Dep't of Motor Veh., Engine Emission Control Reg. § 4.19.1, eff. 1-10-78; A 12-20-79; §§ 4.19.2-4.19.2.2, eff. 1-10-78; § 4.19.3, eff. 1-10-78; A 12-20-79]—(NAC A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98)</p>		
445B.480	<p>Test station: Requirements concerning business hours. (NRS 445B.785)</p> <p>1. A test station shall post and adhere to regular business hours and test any motor vehicle presented at its facility during those hours, except as otherwise provided in <u>NAC 445B.478</u> or unless the motor vehicle is rejected for reasons of safety.</p> <p>2. For the purposes of this section, regular business hours are Monday through Friday from 8 a.m. to 5 p.m. except on the holidays set forth in <u>NRS 236.015</u>.</p> <p>3. For an authorized station or an authorized inspection station operated by a single employee, a notification indicating at what time the employee will return must be posted at the test station for any instance of business closure.</p> <p>(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 8-19-94; A 9-13-95; A by Dep't of Motor Veh. by R065-05, 6-1-2006, eff. 9-1-2006)</p>		73FR38124 7/3/2008
Inspectors			
445B.485	<p>Prerequisites to licensing. (NRS 445B.210, 445B.770, 445B.785)</p> <p>1. The Department will not license a person as a class 1 approved inspector unless he has demonstrated his qualifications and ability to test motor vehicles to its satisfaction by:</p> <p>(a) Submitting an application, on a form provided by the Department;</p> <p>(b) Submitting a certificate of competence issued by the manufacturer of an exhaust gas analyzer approved by the Department, indicating his ability to adjust and operate the equipment required to obtain the rating or ratings for which he is applying pursuant to <u>NAC 445B.498</u>, or by demonstrating to the Department his ability to adjust and operate such equipment; and</p> <p>(c) Successfully:</p> <p>(1) Completing a training course or courses for a license as a class 1 approved inspector which was conducted or approved by the Department, or equivalent training approved by the Department, for the particular rating or ratings for which he is applying;</p> <p>(2) Completing a written test for a license as a class 1 approved inspector which was prepared by the Department for the particular rating or ratings for which the person is applying with a score of at least 80 percent; and</p> <p>(3) Performing a practical demonstration of the procedures for testing prescribed by the Department.</p> <p>2. The Department will not license a person as a class 2 approved inspector unless he has demonstrated his qualifications and ability to test motor vehicles and to diagnose, repair and service devices for the control of exhaust emissions to its satisfaction by submitting an application, on a form provided by the Department, which establishes that he has, within the last 12 months, satisfied the requirements set forth in paragraphs (b) and (c) of subsection 1 for a license as a class 1 approved inspector for the particular rating or ratings for which the person is applying and:</p> <p>(a) Successfully completed a written test for a license as a class 2 approved inspector which was administered by the Department for the</p>		73FR38124 7/3/2008

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	<p>particular rating or ratings for which the person is applying with a score of at least 80 percent; or (b) Submitted current certification from the National Institute for Automotive Service Excellence as an advanced engine performance specialist. The certification must remain valid throughout the applicant's 24-month period of licensure as a class 2 approved inspector. 3. The Department will investigate each applicant to determine his fitness. [Environmental Comm'n, Engine Emission Control Reg. §§ 3.12.1-3.12.1.4, eff. 1-10-78; A 12-20-79; § 3.12.2, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-23-87, eff. 7-1-88; A by Dep't of Motor Veh. & Pub. Safety, 11-10-92; 8-19-94; 9-13-95; A by Dep't of Motor Veh. by R066-05, 2-23-2006)</p>	
445B.486	<p>Examination of applicants for licensing. (NRS 445B.210, 445B.770, 445B.785) 1. The Department will establish written tests for the licensing and rating of class 1 approved inspectors and class 2 approved inspectors. 2. An applicant taking such a test must show that he has completed the course, courses or equivalent training required pursuant to <u>NAC 445B.485</u> for the rating or ratings for which he is applying. 3. An applicant who fails to pass the written test or practical demonstration required for a license as a class 1 approved inspector must wait 7 calendar days before he may retake the test or demonstration. 4. If an applicant fails two or more consecutive written tests or practical demonstrations required for a license as a class 1 approved inspector, he must, before he may retake the test or demonstration, submit proof to the Department that he has, after failing the tests or demonstrations, successfully completed an additional training course which is conducted or approved by the Department. 5. If an applicant fails to pass the written test required for a license as a class 2 approved inspector, he must, before he may retake the test, submit proof to the Department that he has, after failing the test, completed a training course regarding the diagnosis, repair and servicing of devices for the control of exhaust emissions which was conducted or approved by the Department for the rating or ratings for which he is applying. [Dep't of Motor Veh., Engine Emission Control Reg. § 3.12.1.5, eff. 8-16-78; + § 4.3.5, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85, eff. 7-1-86; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; A by Dep't of Motor Veh. by R066-05, 2-23-2006)</p>	73FR38124 7/3/2008
445B.487	<p>Denial of license. (NRS 445B.785) 1. The Department may refuse to issue a license to an applicant who fails to pass the examination required for that license pursuant to <u>NAC 445B.485</u>. 2. The Department may refuse to issue a license to an applicant who fails to provide satisfactory evidence of his ability and competence. [Dep't of Motor Veh., Engine Emission Control Reg. §§ 4.12.1 & 4.12.2, eff. 1-10-78]—(NAC A 9-13-95)</p>	73FR38124 7/3/2008
445B.489	<p>Grounds for denial, suspension or revocation of license. (NRS 445B.210, 445B.770, 445B.785, 445B.790) The Department may deny the issuance of, suspend or revoke the license of an approved inspector if: 1. 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. The approved inspector has knowingly made any false statement or concealed any material fact on his application for a license. 3. The approved inspector knowingly submits false, inaccurate or misleading information on evidence of compliance or any other</p>	73FR38124 7/3/2008

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	<p>records submitted to the Department.</p> <ol style="list-style-type: none"> 4. 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. The approved inspector does not follow the procedures for testing prescribed by the Department. 6. The approved inspector allows evidence of compliance to be completed or issued by a person who is not an approved inspector. 7. The approved inspector allows another person to perform emissions tests by using the identification number assigned to the approved inspector. 8. The approved inspector submits to the Department falsified credentials or certifications of training. 9. The approved inspector makes an inaccurate determination regarding a classification of a motor vehicle. 10. The approved inspector fails to comply with any provision of <u>NAC 445B.400 to 445B.735</u>, inclusive. 11. The Department determines that an applicant or approved inspector is not lawfully entitled to a license. 12. The approved inspector is convicted for violating the provisions of <u>chapter 598</u> of NRS relating to deceptive trade practices. 13. The approved inspector is unable to demonstrate proficiency in the verbal and written expression of the English language. <p>[Dep't of Motor Veh., Engine Emission Control Reg. §§ 4.13.1-4.13.1.5, eff. 1-10-78; A 12-20-79; §§ 4.13.1.6-4.13.1.10, eff. 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; 8-19-94; 9-13-95; A by Environmental Comm'n by R205-97, 3-5-98; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98; A by Dep't of Motor Veh. by R199-01, 7-17-2003; R066-05, 2-23-2006)</p>	
445B.490	<p>Hearing on suspension or revocation of license. (NRS 445B.785)</p> <ol style="list-style-type: none"> 1. The approved inspector may, within 30 days after receipt of the notice of suspension or revocation, petition the Director, in writing, for a hearing which will be conducted by the Director or his authorized representative. 2. Failure of the approved inspector to petition the Director in writing for a hearing within the 30-day period constitutes an automatic suspension or revocation of the license. 3. Upon filing the petition, a date for hearing will be fixed not later than 20 days after receipt of the request for a hearing, and the approved inspector is entitled to be present at the hearing, to testify in his own behalf and to have such other persons as he desires to be present to testify at the hearing. 4. Within 10 days after the hearing, the Director or his authorized representative will make written findings of fact and conclusions of law and may, without limitation, suspend or revoke the license. <p>[Dep't of Motor Veh., Engine Emission Control Reg. § 4.14.1, eff. 1-10-78; A 12-20-79; § 4.14.2, eff. 1-10-78; § 4.14.2.1, eff. 12-20-79; § 4.14.3, eff. 1-10-78; A 12-20-79]—(A by R066-05, 2-23-2006)</p>	73FR38124 7/3/2008
445B.491	<p>Temporary suspension or refusal to renew license. (NRS 445B.785)</p> <ol style="list-style-type: none"> 1. Notwithstanding the provisions of <u>NAC 445B.490</u>, the Department may, if the Director of the Department finds that the action is necessary in the public interest, upon notice to the approved inspector temporarily suspend or refuse to renew the license for a period not to exceed 30 days. 2. In any such case, a hearing will be held and a final decision rendered within 30 days after notice of the temporary suspension. 	73FR38124 7/3/2008

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	[Dep't of Motor Veh., Engine Emission Control Reg. § 4.14.4, eff. 1-10-78]—(Substituted in revision for NAC 445.911)	
445B.492	<p>Duration of suspension; surrender of license. (NRS 445B.785) When an approved inspector's license has been suspended for cause, the suspension will not exceed 90 days. The approved inspector's license must be surrendered to the Department.</p> <p>[Dep't of Motor Veh., Engine Emission Control Reg. § 4.13.2, eff. 1-10-78; A 12-20-79]—(Substituted in revision for NAC 445.912)</p>	73FR38124 7/3/2008
445B.493	<p>Limitation on reapplication after revocation or denial of license; surrender of revoked license; permanent revocation of license. (NRS 445B.210, 445B.770, 445B.785)</p> <ol style="list-style-type: none"> 1. Except as otherwise provided in subsection 3, if an approved inspector's license has been revoked for cause, the person may not reapply for an approved inspector's license for 1 year after the date of revocation. 2. The approved inspector's license which has been revoked must be surrendered to the Department. 3. The Department will permanently revoke the license of an approved inspector who willfully or negligently: <ol style="list-style-type: none"> (a) Issues or assists in the issuance of evidence of compliance which contains fraudulent information. (b) Conspires or causes to be produced evidence of compliance which contains fraudulent information. 4. An applicant for an approved inspector's license who has been denied a license may not reapply for a license after denial: <ol style="list-style-type: none"> (a) Until he has taken an action which removes the ground for the denial; or (b) Within 1 year after the denial, <p>↪ whichever first occurs.</p> 5. If the Department determines that an approved inspector engages in egregious conduct or conduct that poses a serious risk to the public safety, the Department may, in its discretion, permanently revoke the license of the approved inspector. 6. As used in this section: <ol style="list-style-type: none"> (a) "Egregious conduct" includes, without limitation, using a motor vehicle that meets the standards for emission control for the purpose of fraudulently issuing a certificate of compliance for another motor vehicle that does not meet such standards. (b) "Fraudulent information" includes, without limitation: <ol style="list-style-type: none"> (1) A backdated document; (2) A postdated document; (3) A document based on anything other than the actual physical inspection of the vehicle for which the evidence of compliance was issued; or (4) A certificate of compliance issued by a person wrongfully utilizing the identification number or access code of an approved inspector. <p>[Dep't of Motor Veh., Engine Emission Control Reg. § 4.13.3, eff. 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; A by Dep't of Motor Veh. by R066-05, 2-23-2006)</p> 	73FR38124 7/3/2008
445B.495	<p>Contents of license. (NRS 445B.210, 445B.770, 445B.785) A license issued by the Department to an approved inspector must contain:</p> <ol style="list-style-type: none"> 1. The inspector's name; 2. The identification number assigned to the inspector; 3. The name of the test station employing the inspector; 	73FR38124 7/3/2008

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	<p>4. A photograph of the inspector; 5. The inspector's signature; and 6. Such other information as the Department may require. (Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, eff. 9-13-95)</p>		
445B.496	<p>Expiration of license. (NRS 445B.210, 445B.770, 445B.785) An inspector's license expires at midnight on a date specified by the Department. The expiration date must be indicated on the inspector's license. (Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88)—(Substituted in revision for NAC 445.9134)</p>		73FR38124 7/3/2008
445B.497	<p>Requirements for renewal of license. (NRS 445B.210, 445B.770, 445B.785) 1. If an approved inspector wishes to renew his license, he must, within the 3 months before its expiration and before it is reissued, successfully: (a) Complete a course for the renewal of his license which is approved or developed and conducted by the Department for the particular class and rating or ratings the approved inspector is attempting to renew; and (b) Complete a written test, with a score of at least 80 percent, which is approved or prepared by the Department for the particular class and rating or ratings the approved inspector is attempting to renew. Before the holder of a license as a class 2 approved inspector may take a test for the renewal of that class of license, he must submit to the Department proof that he has, after the initial issuance or last renewal of his license, whichever occurred last, successfully completed a course that includes updates on the latest technology available regarding the diagnosis, repair and servicing of devices for the control of exhaust emissions which was conducted or approved by the Department for the rating or ratings the approved inspector is attempting to renew. 2. An approved inspector who fails to attain a score of 80 percent on the written examination required by subsection 1 for the renewal of a license as: (a) A class 1 approved inspector may not take the examination again within 7 calendar days after the date of the first examination. If an approved inspector fails two or more consecutive written examinations for the renewal of a license as a class 1 approved inspector, he must submit proof to the Department that he has, after failing the examinations, successfully completed an additional course conducted or approved by the Department before he may retake the examination. (b) A class 2 approved inspector must, before he may retake the examination, submit proof to the Department that he has, after his failure of that examination, successfully completed a course regarding diagnosis, repair and servicing of devices for the control of exhaust emissions which was conducted or approved by the Department for the rating or ratings the approved inspector is attempting to renew. 3. If the license of an approved inspector remains inactive, revoked or in expired status for 1 year or longer, the approved inspector shall be deemed to be a new applicant and must again comply with all applicable requirements concerning training and examinations. (Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; 8-19-94; 9-13-95; A by Dep't of Motor Veh. by R066-05, 2-23-2006)</p>		73FR38124 7/3/2008
445B.498	Performance of emission inspection without license prohibited; expiration of license; license ratings. (NRS 445B.785)		73FR38124

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	<p>1. A person shall not perform any emission inspection for the purpose of issuing evidence of compliance unless he is currently licensed by the Department as an approved inspector.</p> <p>2. Each license issued to an approved inspector expires 24 months after the date on which the license is issued.</p> <p>3. Each approved inspector must have one or both of the following license ratings:</p> <p>(a) A “G” rating to perform certified on-board diagnostic system and two-speed emissions inspections on gasoline-powered motor vehicles using the procedures set forth in <u>NAC 445B.580</u>.</p> <p>(b) A “D” rating to perform light-duty diesel emissions inspections using the procedures set forth in <u>NAC 445B.589</u>.</p> <p>(Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 8-19-94; A 9-13-95; R079-98, 9-25-98; A by Dep’t of Motor Veh. by R066-05, 2-23-2006)</p>	7/3/2008
445B.4983	<p>Issuance of access code to approved inspector; use of access code and identification number. (NRS 445B.785)</p> <p>1. In addition to the identification number assigned to each approved inspector, the Department will issue to each approved inspector a unique and confidential access code. The access code will enable the approved inspector to activate, access and input data into the exhaust gas analyzer located at the test station where he is employed.</p> <p>2. An approved inspector, including, without limitation, the operator of a test station, shall not willfully or negligently allow any person to use his identification number or access code to:</p> <p>(a) Activate, access or input data into the exhaust gas analyzer; or</p> <p>(b) Issue a certificate of compliance.</p> <p>(Added to NAC by Dep’t of Motor Veh. by R066-05, eff. 2-23-2006)</p>	73FR38124 7/3/2008
445B.4985	<p>Violations. (NRS 445B.785) The owner of the test station will be held responsible for any act or omission of an approved inspector or any other employee employed at any test station owned by the owner which is committed while the inspector or other employee is acting within the scope of his employment, and which would constitute a violation of this chapter or <u>chapter 445B</u> of NRS if:</p> <p>1. The act or omission is a second or subsequent violation of a specific section of this chapter or <u>chapter 445B</u> of NRS that was committed by the same inspector or other employee while employed at any test station owned by the owner; and</p> <p>2. The owner of the test station received notice from the Department of the first offense previously committed by the approved inspector or other employee.</p> <p>(Added to NAC by Dep’t of Motor Veh. & Pub. Safety by R079-98, eff. 9-25-98; A by Dep’t of Motor Veh. by R199-01, 7-17-2003)</p>	73FR38124 7/3/2008
445B.499	<p>Fees. (NRS 445B.210, 445B.770, 445B.785)</p> <p>1. The fee for the initial issuance and biennial renewal of an inspector’s license is \$25.</p> <p>2. If an inspector who is employed by a test station and has paid the fee required by subsection 1 wishes to be licensed at one or more additional locations of that test station, the fee for the issuance and biennial renewal of an inspector’s license for each additional location is \$10.</p> <p>3. The fee for the transfer of an inspector’s license is \$10.</p> <p>(Added to NAC by Environmental Comm’n & Dep’t of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep’t of Motor Veh. & Pub. Safety, 8-19-94; A by Dep’t of Motor Veh. by R199-01, 7-17-2003)</p>	73FR38124 7/3/2008

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445B.501	<p>Report of change in place of employment or termination of employment. (NRS 445B.210, 445B.770) Every inspector approved by the Department shall report in writing to the Department every change in his place of employment and any termination of his employment within 10 days after the date when the change or termination occurred.</p> <p>[Environmental Comm'n, Engine Emission Control Reg. § 3.12.1.6, eff. 12-20-79]—(Substituted in revision for NAC 445.914)</p>	73FR38124 7/3/2008
445B.502	<p>Submission of certificate of employment to report change. (NRS 445B.210, 445B.770, 445B.785) If an approved inspector changes his place of employment, he shall submit to the Department a certificate of employment indicating that he is reemployed by a test station.</p> <p>(Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-13-95)</p>	73FR38124 7/3/2008
Exhaust Gas Analyzers		
445B.5049	<p>Connection to state electronic data transmission system. (NRS 445B.785) A test station shall connect its exhaust gas analyzer to the state electronic data transmission system not later than 6 months after the date on which the state electronic data transmission system is activated by the Department. The Department will notify each test station of the date the state electronic data transmission system is activated.</p> <p>(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R079-98, eff. 9-25-98)</p>	73FR38124 7/3/2008
445B.505	<p>Availability of list of approved analyzers and their specifications. (NRS 445B.210, 445B.770, 445B.785) 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:</p> <p style="padding-left: 40px;">Department of Motor Vehicles Division of Management Services and Programs 555 Wright Way Carson City, Nevada 89711</p> <p>[Dep't of Motor Veh., Engine Emission Control Reg. § 4.2.2, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85, eff. 1-1-86; 11-23-87, eff. 7-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; 8-19-94; 9-13-95; A by Dep't of Motor Veh. by R199-01, 7-17-2003)</p>	73FR38124 7/3/2008
445B.5052	<p>Approved analyzer: Use and equipment; deactivation by Department. (NRS 445B.785)</p> <ol style="list-style-type: none"> 1. A test station shall use an NV2000 exhaust gas analyzer to perform an inspection of a motor vehicle that is subject to the provisions of <u>NAC 445B.580</u> or <u>445B.5805</u>. 2. The Department will not enroll an exhaust gas analyzer for an authorized inspection station or authorized station licensed by the Department on or after July 1, 2006, unless it is an NV2000 exhaust gas analyzer equipped with hardware and software components that are capable of inspecting a motor vehicle containing a certified on-board diagnostic system which uses controller area network communication. 3. On and after September 30, 2006, an authorized inspection station or authorized station shall use an NV2000 exhaust gas analyzer that satisfies the requirements of subsection 2. On and after September 30, 2006, a representative of the Department will deactivate each 	73FR38124 7/3/2008

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	<p>NV2000 exhaust gas analyzer that is used by an authorized inspection station or authorized station if the gas analyzer does not satisfy the requirements of subsection 2. The Department will not authorize the reactivation of a gas analyzer until the gas analyzer complies with the requirements of subsection 2.</p> <p>4. The provisions of subsections 2 and 3 are not applicable to a fleet station. (Added to NAC by Dep't of Motor Veh. & Pub. Safety by R106-00, eff. 12-11-2000; A by Dep't of Motor Veh. by R178-01, 8-21-2002; R050-06, 6-1-2006)</p>		
445B.5055	<p>Revocation of approval of analyzer. (NRS 445B.785) The Department may revoke its approval of an exhaust gas analyzer if the Department:</p> <ol style="list-style-type: none"> 1. Determines that the analyzer fails to comply with the specifications approved by the Department; 2. Notifies the manufacturer of the analyzer in writing of the facts supporting its determination pursuant to subsection 1; and 3. Provides the manufacturer of the analyzer with an opportunity to prove that the analyzer complies with those specifications. <p>(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-13-95)</p>		73FR38124 7/3/2008
445B.5065	<p>Manufacturer of approved analyzer: Required warranty. (NRS 445B.785)</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (a) Parts and labor for all systems and components of the analyzer; and (b) All services provided by the manufacturer pursuant to <u>NAC 445B.5075</u>. 2. The warranty must include the: <ol style="list-style-type: none"> (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. <p>(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 7-1-94; A 9-13-95; A by Dep't of Motor Veh. by R199-01, 7-17-2003)</p>		73FR38124 7/3/2008
445B.5075	<p>Manufacturer of approved analyzer: Required services; administrative fine for violations. (NRS 445B.785, 445B.835)</p> <ol style="list-style-type: none"> 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 <u>NAC 445B.5065</u>, and thereafter upon request by the purchaser or lessee at a cost negotiated between the parties. 2. The manufacturer or its authorized representative shall: <ol style="list-style-type: none"> (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 		73FR38124 7/3/2008

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	<p>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 <u>NAC 445B.485</u>. The manufacturer may charge a fee for providing such additional training.</p> <p>(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.</p> <p>(e) Provide up to two updates of software as required by the Department, which may include, without limitation:</p> <ol style="list-style-type: none"> (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. <p>↪ Other areas not specifically mentioned may also be required to be updated, but changes are not expected in all noted areas at one time.</p> <p>(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.</p> <p>3. If the manufacturer of an exhaust gas analyzer violates any provision of subsection 2, the Department may, pursuant to <u>NRS 445B.835</u>, impose an administrative fine of \$1,000. Each day upon which such a violation occurs constitutes a separate violation. (Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 7-1-94; A 9-13-95; A by Dep’t of Motor Veh. by R199-01, 7-17-2003)</p>		
Control of Emissions: Generally			
445B.575	<p>Device to control pollution: General requirement; alteration or modification. (<u>NRS 445B.210</u>, <u>445B.770</u>, <u>445B.785</u>)</p> <ol style="list-style-type: none"> 1. Except as otherwise provided in this section, a person shall not: <ol style="list-style-type: none"> (a) Sell, offer to sell, display, operate or leave standing any motor vehicle which is required by state or federal law to be equipped with a device for the control of pollution unless the device is correctly installed and in operating condition. (b) Disconnect, alter or modify any such required device. 2. Except for <u>NAC 445B.5815</u>, the provisions of subsection 1 and <u>NAC 445B.576</u> to <u>445B.582</u>, inclusive, do not apply to an alteration or modification of a motor vehicle to use fuel other than gasoline or diesel fuel where the alteration or modification is effected without violating existing federal and state standards for the control of exhaust emissions. 		73FR38124 7/3/2008

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	<p>3. The provisions of subsection 1 do not apply to a wholesale transaction between licensed dealers of motor vehicles.</p> <p>4. The Department may inspect a licensed dealer of motor vehicles to determine compliance with this section. Such inspections must be conducted in accordance with subparagraph (2) of paragraph (a) of subsection 4 of <u>NAC 445B.580</u>.</p> <p>5. As used in this section, a “device for the control of pollution” includes, without limitation, a gasoline cap which meets the specifications of the manufacturer of the motor vehicle and seals the neck or pipe of the fuel filler.</p> <p>[Environmental Comm’n, Engine Emission Control Reg. § 3.1, eff. 1-10-78]—(NAC A by Environmental Comm’n & Dep’t of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep’t of Motor Veh. & Pub. Safety, 9-28-88; 12-28-89; 9-13-95; 12-4-96; R079-98, 9-25-98; A by Environmental Comm’n by R055-00, 7-27-2000; A by R017-02, 4-5-2002, eff. 3-1-2002)</p>		
445B.576	<p>Vehicles powered by gasoline or diesel fuel: Restrictions on visible emissions and on idling of diesel engines. (NRS 445B.210, 445B.760, 445B.770)</p> <p>1. A person shall not operate a motor vehicle powered by gasoline which emits smoke.</p> <p>2. Except as otherwise provided in subsection 3, visible emissions of diesel-powered motor vehicles or special mobile equipment manufactured:</p> <p>(a) Before January 1, 1970, must not exceed an opacity of 40 percent for more than 15 consecutive seconds or for periods aggregating more than 5 minutes in any 1 hour.</p> <p>(b) On or after January 1, 1970, must not exceed an opacity of 20 percent for more than 15 consecutive seconds or for periods aggregating more than 5 minutes in any 1 hour.</p> <p>3. For the purpose of compliance with the inspection and maintenance program of this State required by subsection 1 of <u>NRS 445B.795</u>, visible emissions of light-duty motor vehicles powered by diesel engines must not exceed an opacity of:</p> <p>(a) Thirty percent at an elevation of less than 4,000 feet above mean sea level for more than 5 consecutive seconds or for periods aggregating more than 5 minutes in any 1 hour; or</p> <p>(b) Forty percent at an elevation of 4,000 feet or more above sea level for more than 5 consecutive seconds or for periods aggregating more than 5 minutes in any 1 hour.</p> <p>4. Except as otherwise provided in this subsection, a person shall not idle the engine of a diesel truck or a bus for more than 15 consecutive minutes. The provisions of this subsection do not apply to a diesel truck or a bus:</p> <p>(a) For which the Commission has issued a variance from the requirements of this subsection. A variance is not effective during an air pollution emergency as defined in the air quality plan for the State of Nevada.</p> <p>(b) Which is an emergency vehicle.</p> <p>(c) Used for the removal of snow.</p> <p>(d) Used to repair or maintain other motor vehicles.</p> <p>(e) Which is stopped because of traffic congestion while in transit on a highway, roadway or street.</p> <p>(f) Which is idling while a repair or maintenance is being performed on it at a shop or facility for the repair and maintenance of motor vehicles.</p> <p>(g) The emission from which is contained and treated by a method approved by the Commission.</p>		73FR38124 7/3/2008

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	<p>(h) The engine of which must idle to perform a specific task for which it is designed such as well drilling, trenching or hoisting. Such a diesel truck or a bus may not idle for more than 15 consecutive minutes during an air pollution emergency as defined in the air quality plan for the State of Nevada.</p> <p>5. As used in this section, “mean sea level” means the average level of the sea between high and low tide.</p> <p>[Environmental Comm’n, Engine Emission Control Reg. §§ 3.2-3.4, eff. 1-10-78]—(NAC A by Environmental Comm’n & Dep’t of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Environmental Comm’n, 12-26-89; 10-22-92)—(Substituted in revision for NAC 445.920)</p>	
445B.577	<p>Devices used on stationary rails: Restrictions on visible emissions. (NRS 445B.210, 445B.760, 445B.770)</p> <p>1. Except as provided by federal regulation, visible emissions from devices manufactured before January 1, 1970, used exclusively upon stationary rails must not exceed an opacity greater than 60 percent for more than 15 consecutive seconds.</p> <p>2. Except as provided by federal regulation, a person shall not operate a device manufactured on or after January 1, 1970, used exclusively upon stationary rails at or below 5,000 feet (1,500 meters) elevation where the period of continuous visible emission is of an opacity greater than 40 percent for more than 15 consecutive seconds.</p> <p>[Environmental Comm’n, Engine Emission Control Reg. §§ 3.5 & 3.6, eff. 1-10-78]—(NAC A by Environmental Comm’n & Dep’t of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88)—(Substituted in revision for NAC 445.921)</p>	73FR38124 7/3/2008
445B.578	<p>Exceptions to restrictions on visible emissions. (NRS 445B.210, 445B.760, 445B.770, 445B.825)</p> <p>1. Scheduled maintenance or repairs which result in emissions of air contaminants performed in an area determined by the Department as constituting a repair shop do not violate <u>NAC 445B.575</u> to <u>445B.582</u>, inclusive.</p> <p>2. Diesel-powered motor vehicles and special mobile equipment may exceed the visible emissions set forth in subsections 2 and 3 of <u>NAC 445B.576</u> for not longer than 15 minutes for stationary warm-up of cold engines to achieve operating temperatures.</p> <p>3. Visible emissions in excess of those set forth in <u>NAC 445B.577</u> do not violate the requirements of <u>NAC 445B.575</u> to <u>445B.582</u>, inclusive, if the visible emissions occur:</p> <p>(a) During maintenance or repairs.</p> <p>(b) For a period of 40 consecutive seconds or less during acceleration under load.</p> <p>(c) For a period of 4 consecutive minutes or less when loaded after a period of idle.</p> <p>[Environmental Comm’n, Engine Emission Control Reg. §§ 3.7.1-3.7.3.3, eff. 1-10-78]—(NAC A by Environmental Comm’n & Dep’t of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Environmental Comm’n, 10-22-92)—(Substituted in revision for NAC 445.922)</p>	73FR38124 7/3/2008
445B.579	<p>Inspection of vehicle: Devices for emission control required. (NRS 445B.210, 445B.770, 445B.785) Any motor vehicle which is manufactured on or after January 1, 1981, and subject to inspection in accordance with the provisions of <u>chapter 445B</u> of NRS and the table set forth in <u>NAC 445B.596</u>, as a condition of compliance with the inspection, must have a catalytic converter, fuel inlet restricter, air injection system, exhaust gas recirculation system and fuel inlet cap if the motor vehicle was originally equipped by the manufacturer with such equipment. The equipment required by this section must be installed and appear to be properly operating in accordance with the specifications for emission control of the manufacturer of the motor vehicle.</p> <p>[Environmental Comm’n, Engine Emission Control Reg. § 3.7.5, eff. 1-10-78; § 3.8.1, eff. 1-10-78; A 12-20-79; § 3.16, eff. 12-20-79]—</p>	73FR38124 7/3/2008

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	(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; A by Environmental Comm'n, 12-26-89; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98; A by Dep't of Motor Veh. by R068-05, 6-1-2006, eff. 9-1-2006)		
445B.580	<p>Inspection of vehicle: Procedure for certain vehicles with model year of 1995 or older and heavy-duty vehicles with model year of 1996 or newer. (NRS 445B.785)</p> <p>1. Except as otherwise provided in subsection 4, the provisions of this section apply to inspections of:</p> <p>(a) All motor vehicles with a model year of 1968 to 1995, inclusive; and</p> <p>(b) With regard to motor vehicles with a model year of 1996 or newer, all heavy-duty motor vehicles.</p> <p>2. After the owner or operator of a motor vehicle subject to the provisions of this section requests an inspection, an approved inspector shall follow the sequence of prompts displayed by the exhaust gas analyzer when conducting the inspection. While the vehicle is at normal operating temperature, the inspector shall connect the exhaust gas analyzer to the vehicle following the sequence of instructions programmed into the analyzer. The probe of the analyzer must be placed in the exhaust pipe of the vehicle. With the engine speed increased to 2,500 revolutions per minute, a steady level of carbon monoxide and hydrocarbons must be recorded by the analyzer. The engine speed must be returned to idle and a steady level of carbon monoxide and hydrocarbons must be recorded. If the vehicle is equipped with dual exhaust pipes, a test must be completed on both exhaust pipes and the average level of carbon monoxide and hydrocarbons must be recorded when the engine speed is increased to 2,500 revolutions per minute and when the engine speed is returned to idle.</p> <p>3. The inspector shall visually inspect:</p> <p>(a) The exhaust system to determine whether or not there is smoke when idling and at 2,500 revolutions per minute; and</p> <p>(b) The engine to determine whether or not there are blowby gases from the crankcase when idling and at 2,500 revolutions per minute.</p> <p>4. The inspector shall:</p> <p>(a) Visually inspect:</p> <p>(1) All motor vehicles subject to the provisions of this section to determine the presence of a properly installed gas cap; and</p> <p>(2) Each motor vehicle with a model year of 1981 to 1995, inclusive, and, with regard to motor vehicles with a model year of 1996 or newer, each heavy-duty motor vehicle, to determine the presence of an exhaust gas recirculation system, catalytic converter, air injection system and fuel inlet restricter, and to determine whether that equipment appears to be operating in accordance with the specifications of the manufacturer of the vehicle; and</p> <p>(b) Enter the results of the visual inspection into the analyzer.</p> <p>5. The inspector shall complete each test and issue a vehicle inspection report indicating whether or not the vehicle passes the inspection.</p> <p>6. The inspector shall issue a vehicle inspection report indicating that the vehicle did not pass the inspection if:</p> <p>(a) The emissions from the vehicle exceed the maximum levels for carbon monoxide or hydrocarbons, or both, as prescribed in <u>NAC 445B.596</u>;</p> <p>(b) Smoke or blowby is visible; or</p> <p>(c) The vehicle does not meet the requirements of <u>NAC 445B.579</u>.</p> <p>7. If a motor vehicle subject to the provisions of this section passes all portions of an inspection but has an improper gas cap or no gas</p>		73FR38124 7/3/2008

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	<p>cap, the owner or operator of the motor vehicle shall obtain a gas cap which is in accordance with the specifications of the manufacturer of the vehicle. The inspector shall inspect the new gas cap and certify its presence in a manner prescribed by the Department, and sign and date the failing vehicle inspection report beneath the gas cap tamper description. Such a vehicle inspection report may be used as evidence of compliance.</p> <p>(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 12-28-89; A 5-17-90; 8-19-94; 9-13-95; R079-98, 9-25-98; A by Dep't of Motor Veh. by R178-01, 8-21-2002; R068-05, 6-1-2006, eff. 9-1-2006)</p>		
445B.5805	<p>Inspection of vehicle: Procedure for light-duty vehicles with model year of 1996 or newer. (NRS 445B.785)</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (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: <ol style="list-style-type: none"> (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. <p>(Added to NAC by Dep't of Motor Veh. by R178-01, eff. 8-21-2002)</p>		73FR38124 7/3/2008
445B.581	<p>Inspection of vehicle: Place and equipment for performance. (NRS 445B.210, 445B.770, 445B.785)</p> <ol style="list-style-type: none"> 1. Except as otherwise provided in <u>NAC 445B.5915</u>, an inspection may be performed only at the established place of business by an approved inspector. 2. An inspection of a motor vehicle subject to the provisions of <u>NAC 445B.580</u> must be performed using an exhaust gas analyzer which is approved by the Department. 		73FR38124 7/3/2008

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	[Environmental Comm'n, Engine Emission Control Reg. § 3.10.4, eff. 1-10-78; 8-16-78; 12-20-79]—(NAC A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98; R106-00, 12-11-2000; A by Dep't of Motor Veh. by R178-01, 8-21-2002; R068-05, 6-1-2006, eff. 9-1-2006)	
445B.5815	<p>Inspection of vehicle: Certified on-board diagnostic systems. (NRS 445B.210, 445B.770)</p> <p>1. Any motor vehicle with a 1996 or newer model year which is equipped with a certified on-board diagnostic system and which is subject to inspection pursuant to <u>chapter 445B</u> of NRS, as a condition of compliance with the inspection, must have the certified on-board diagnostic system inspected.</p> <p>2. The Department shall develop test procedures and certify equipment to be used for inspecting certified on-board diagnostic systems.</p> <p>3. As used in this section, “certified on-board diagnostic system” means a computer system which is contained within the vehicle and which is certified by the United States Environmental Protection Agency to be fully capable of monitoring all the sensors and actuators in the drivetrain of the vehicle to determine whether the sensors and actuators are working as intended.</p> <p>(Added to NAC by Environmental Comm'n by R055-00, eff. 7-27-2000; A by R017-02, 4-5-2002, eff. 3-1-2002)</p>	73FR38124 7/3/2008
445B.582	<p>Repair of vehicle; reinspection or retesting. (NRS 445B.210, 445B.770, 445B.785)</p> <p>1. If a vehicle exceeds the limits prescribed in subsection 3 of <u>NAC 445B.576</u> for visible emissions or <u>NAC 445B.596</u> for the emission of carbon monoxide or hydrocarbons, or both, it must be repaired and reinspected. If the vehicle passes the reinspection, it is eligible for registration. If the vehicle fails the reinspection, a waiver may be issued as provided in <u>NAC 445B.590</u>.</p> <p>2. A vehicle owned by a fleet station or a public entity may be retested after repairs by that fleet station or public entity. If the vehicle passes the retesting, it is eligible for registration. If the vehicle fails the retesting, a waiver may be issued as provided in <u>NAC 445B.590</u>.</p> <p>[Environmental Comm'n, Engine Emission Control Reg. § 3.14.6, eff. 8-16-78; A and renumbered as §§ 3.15.2 & 3.15.3, 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; A by Environmental Comm'n, 12-26-89; A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; A by Environmental Comm'n, 11-23-92; A by Dep't of Motor Veh. & Pub. Safety, 9-13-95)</p>	73FR38124 7/3/2008
445B.583	<p>Evidence of compliance: Purpose; records. (NRS 445B.210, 445B.770, 445B.785)</p> <p>1. The primary use of evidence of compliance is for the registration of a used motor vehicle as required by <u>chapter 445B</u> of NRS, requiring the submission of certificates of compliance or evidence of compliance with <u>NAC 445B.400</u> to <u>445B.735</u>, inclusive, for submission to the Department upon application for registration by an owner of a used motor vehicle.</p> <p>2. All materials or documents which are used by a test station in its inspection program must be kept at the station.</p> <p>[Dep't of Motor Veh., Engine Emission Control Reg. § 4.16.1, eff. 1-10-78; § 4.16.2, eff. 8-16-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-13-95; A by Environmental Comm'n by R205-97, 3-5-98; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98)</p>	73FR38124 7/3/2008
445B.584	<p>Evidence of compliance: Purchase of vehicle inspection report numbers. (NRS 445B.210, 445B.770, 445B.785)</p> <p>1. Vehicle inspection report numbers may be purchased only by an owner of a test station or his authorized representative and may be obtained from the branch offices of the Department or from an authorized agent of the Department.</p> <p>2. An owner of a test station or his authorized representative shall not purchase or otherwise obtain vehicle inspection report numbers</p>	73FR38124 7/3/2008

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	<p>from a source other than the Department or an authorized agent of the Department. [Dep't of Motor Veh., Engine Emission Control Reg. § 4.17.1, eff. 1-10-78; A 12-20-79; § 4.17.1.1, eff. 1-10-78; § 4.17.1.2, eff. 1-10-78; A 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; 9-13-95; R079-98, 9-25-98; A by Dep't of Motor Veh. by R199-01, 7-17-2003)</p>	
445B.585	<p>Evidence of compliance: Issuance by approved inspector. (NRS 445B.210, 445B.770, 445B.785) No person other than an approved inspector who is employed by a test station may issue evidence of compliance. [Dep't of Motor Veh., Engine Emission Control Reg. § 4.18.1, eff. 1-10-78; A 12-20-79; § 4.18.2, eff. 1-10-78; A 8-16-78; 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85; eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; 9-13-95; R079-98, 9-25-98)</p>	73FR38124 7/3/2008
445B.586	<p>Evidence of compliance: Return of fee. (NRS 445B.210, 445B.770, 445B.785) If evidence of compliance is not required for registration by <u>NAC 445B.592</u> to <u>445B.595</u>, inclusive, or an inspection is performed by an inspector who the Department determines did not follow the correct procedures for inspection or is performed fraudulently, the authorized station or authorized inspection station where the inspection was performed shall remit to the bearer, upon demand, the amount of the fee for the inspection and the vehicle inspection report number. [Dep't of Motor Veh., Engine Emission Control Reg. § 4.16.2, eff. 8-16-78; A and renumbered as § 4.16.3, 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; 9-13-95; R079-98, 9-25-98)</p>	73FR38124 7/3/2008
445B.587	<p>Testing of light-duty motor vehicles powered by diesel engines: Equipment for measurement of smoke opacity. (NRS 445B.785)</p> <ol style="list-style-type: none"> 1. Equipment for the measurement of smoke opacity from light-duty motor vehicles powered by diesel engines must include a dynamometer and a smoke opacity meter. 2. The dynamometer must have: <ol style="list-style-type: none"> (a) The capacity to absorb a minimum of 100 horsepower. (b) A mechanism for controlling the load that is capable of: <ol style="list-style-type: none"> (1) Infinitely variable settings throughout the load and speed range from no-load to full-load; (2) Being set at a load or speed and, until deactivated, maintaining a preset setting without additional input from the load controller; and <ol style="list-style-type: none"> (3) Being operated in the following function modes: <ol style="list-style-type: none"> (I) Constant speed; (II) Constant torque; (III) Constant horsepower; and (IV) Manual absorber. (c) Computer controls which include, without limitation: <ol style="list-style-type: none"> (1) A model 286 12-megahertz central processing unit; (2) A 256 kilobyte video graphic array color card; (3) A 1.44 megabyte floppy drive; 	73FR38124 7/3/2008

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	<p>(4) Five hundred and twelve kilobytes of random access memory; (5) Parallel printer interface; and (6) Digital and analog data acquisition interface.</p> <p>(d) A minimum roller diameter of 8.5 inches. (e) One hundred and fifteen volt AC single phase 60 Hz power. (f) A weight limit of 6,000 pounds per axle. (g) A provision for checking the accuracy of the calibration of the dynamometer in the field, including, without limitation, an electrical output signal, interface and attendant instrumentation. Equipment, tools and procedures recommended or specified by the manufacturer for the calibration and adjustment of the dynamometer must be available.</p> <p>3. The smoke opacity meter must have: (a) Calibration accuracy within 1 percent. (b) Linearity within 1 percent, from 0 to 60 percent opacity. (c) Drift within 1 percent of the temperature range specified by the manufacturer. (d) A response time of less than 2 seconds from 0 to 90 percent of scale. (e) A warm-up time of not more than 10 minutes. (f) An operating temperature range from 32 to 120 degrees Fahrenheit. (g) One hundred and fifteen volts AC input, if operated from alternating current. (h) Batteries which are replaceable or rechargeable, and which allow for the operation of the smoke opacity meter without AC input. (i) A RS232C standardized serial interface. (j) The ability to measure exhaust opacity continuously. (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-10-92; A by R079-98, 9-25-98)</p>	
445B.588	<p>Testing of light-duty motor vehicles powered by diesel engines: List of approved equipment. (NRS 445B.785) 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:</p> <p style="padding-left: 40px;">Department of Motor Vehicles Division of Management Services and Programs 555 Wright Way Carson City, Nevada 89711</p> <p>(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-10-92; A by Dep't of Motor Veh. by R199-01, 7-17-2003)</p>	73FR38124 7/3/2008
445B.589	<p>Testing of light-duty motor vehicles powered by diesel engines: Procedure; certificate of compliance; effect of failure; lack of proper fuel cap. (NRS 445B.785)</p> <p>1. An inspector shall comply with the following procedure when testing a light-duty motor vehicle powered by a diesel engine:</p>	73FR38124 7/3/2008

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	<p>(a) The test procedure must include, without limitation, a preparation phase, a tampering inspection phase and an opacity test phase.</p> <p>(b) In the preparation phase:</p> <p>(1) The vehicle must be placed on a dynamometer, the transmission must be placed in neutral and the vehicle must be properly restrained to prevent any rolling motion.</p> <p>(2) The inspector may place an auxiliary cooling fan into position approximately 12 inches in front of the cooling system of the motor vehicle.</p> <p>(3) The inspector shall then affix a smoke opacity meter which has been calibrated and zeroed to the exhaust system of the vehicle according to the recommendations of the manufacturer of the meter. Vehicles with dual exhaust configurations must have the smoke opacity meter attached to the exhaust pipe displaying the highest observed opacity.</p> <p>(4) If an exhaust removal system is used, it must be installed so that all of the exhaust from the vehicle being tested is passed through the smoke opacity meter.</p> <p>(c) In the tampering inspection phase, the inspector shall visually inspect:</p> <p>(1) All vehicles with a model year of 1981 or newer to ensure that all equipment for emission control which is listed on the manufacturer's emission label is present and appears to be operational; and</p> <p>(2) All vehicles to verify the presence of a properly installed fuel cap.</p> <p>(d) During the opacity test phase, the inspector shall:</p> <p>(1) Verify that the vehicle is at normal operating temperature before beginning the test. If the vehicle has cooled down below its normal operating temperature during its placement on the dynamometer, it must be operated until its normal operating temperature is reached.</p> <p>(2) Test vehicles with varying engine sizes under the following speed and load conditions:</p> <table border="0" data-bbox="514 1010 1549 1166" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Number of Cylinders</th> <th style="text-align: center;">Speed (± 4 miles per hour)</th> <th style="text-align: center;">Load (± 1 horsepower)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">4</td> <td style="text-align: center;">40</td> <td style="text-align: center;">7.0</td> </tr> <tr> <td style="text-align: center;">6</td> <td style="text-align: center;">40</td> <td style="text-align: center;">15.0</td> </tr> <tr> <td style="text-align: center;">8</td> <td style="text-align: center;">40</td> <td style="text-align: center;">30.0</td> </tr> </tbody> </table> <p>(3) Maintain the required speed and load condition on the vehicle being tested for 10 seconds. The engine opacity must be stored and printed at the end of the 10-second interval.</p> <p>2. The inspector shall issue a certificate of compliance indicating the results of the test. The printout from the opacity meter must be provided with the certificate of compliance. The test is complete if the vehicle passes the tampering inspection phase and the results of the opacity test phase comply with the standards set forth in <u>NAC 445B.576</u>. A vehicle which exceeds the opacity standards or which fails the tampering inspection phase must be considered to have failed the inspection and the inspector shall issue a certificate of compliance reflecting the failure.</p>		Number of Cylinders	Speed (± 4 miles per hour)	Load (± 1 horsepower)	4	40	7.0	6	40	15.0	8	40	30.0	
Number of Cylinders	Speed (± 4 miles per hour)	Load (± 1 horsepower)													
4	40	7.0													
6	40	15.0													
8	40	30.0													

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	<p>3. A vehicle which fails the tampering inspection phase or the opacity test must be repaired and retested.</p> <p>4. If a motor vehicle subject to the provisions of this section passes all portions of an inspection but has an improper fuel cap or no fuel cap, the owner or operator of the motor vehicle shall obtain a fuel cap which is in accordance with the specifications of the manufacturer of the vehicle. The inspector shall inspect the new fuel cap and certify its presence in a manner prescribed by the Department, and sign and date the failing vehicle inspection report beneath the fuel cap tamper description. Such a vehicle inspection report may be used as evidence of compliance.</p> <p>(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-10-92; A by R079-98, 9-25-98; A by Dep't of Motor Veh. by R068-05, 6-1-2006, eff. 9-1-2006)</p>		
445B.5895	<p>Dissemination of list of authorized stations. (NRS 445B.785)</p> <p>1. An authorized inspection station shall provide a list of authorized stations to the owner or operator of a motor vehicle that fails an inspection.</p> <p>2. An authorized station shall provide a list of authorized stations to the owner or operator of a motor vehicle that fails an inspection if that station does not perform emission system repairs on that particular vehicle or if the vehicle is being removed from the authorized station before repairs have begun or have been completed.</p> <p>3. The Department will provide or make available a list of authorized stations to each authorized inspection station and authorized station in this State by:</p> <p>(a) Having a Department representative provide a copy of the list to a test station in conjunction with its monthly audit conducted pursuant to subsection 4 of <u>NAC 445B.472</u>.</p> <p>(b) Posting and updating, at least twice monthly, an electronic copy of the list on the Department's website.</p> <p>(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R079-98, eff. 9-25-98; A by Dep't of Motor Veh. by R068-05, 6-1-2006, eff. 9-1-2006)</p>		73FR38124 7/3/2008
445B.590	<p>Waiver of standards for emissions. (NRS 445B.210, 445B.760, 445B.770, 445B.785, 445B.825)</p> <p>1. Only the Department may grant a waiver from the standards for emissions as set forth in subsection 3 of <u>NAC 445B.576</u> or in <u>NAC 445B.596</u>.</p> <p>2. An application for a waiver from the provisions of <u>NAC 445B.596</u> for a motor vehicle powered by gasoline that is subject to an inspection pursuant to:</p> <p>(a) <u>NAC 445B.594</u> must include receipts from an authorized station that at least \$200 has been spent on parts other than a catalytic converter, fuel inlet restricter or air injection system or on labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions. If the vehicle is repaired by the owner, the application must include receipts or other evidence that at least \$200 has been spent on parts other than a catalytic converter, fuel inlet restricter or air injection system purchased within 14 calendar days after the initial emissions test. No allowance will be permitted for labor on vehicles repaired by the owner.</p> <p>(b) <u>NAC 445B.593</u> must include receipts from an authorized station that at least \$450 has been spent on parts other than a catalytic converter, fuel inlet restricter or air injection system or on labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions.</p>		73FR38124 7/3/2008

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	<p>3. Except as otherwise provided in subsection 4, an application for a waiver for a light-duty motor vehicle powered by a diesel engine from the provisions of subsection 3 of <u>NAC 445B.576</u> must include:</p> <p>(a) A copy of the original certificate indicating that the vehicle failed to comply with the provisions of subsection 3 of <u>NAC 445B.576</u>; and</p> <p>(b) Receipts or other evidence that at least \$750 has been spent on:</p> <p>(1) Parts other than required emission control equipment; or</p> <p>(2) Labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions.</p> <p>↪ Receipts must be dated within 14 calendar days after the date of issuance of the certificate indicating that the vehicle failed to comply with subsection 3 of <u>NAC 445B.576</u>.</p> <p>4. If the owner of a light-duty motor vehicle powered by a diesel engine repairs the vehicle, an application for a waiver from the provisions of subsection 3 of <u>NAC 445B.576</u> must include:</p> <p>(a) A copy of the original certificate indicating that the vehicle failed to comply with the provisions of subsection 3 of <u>NAC 445B.576</u>; and</p> <p>(b) Receipts or other evidence that at least \$500 has been spent on parts other than required emission control equipment. No allowance will be permitted for labor on a vehicle repaired by the owner.</p> <p>↪ Receipts must be dated within 14 calendar days after the date of issuance of the certificate indicating that the vehicle failed to comply with subsection 3 of <u>NAC 445B.576</u>.</p> <p>5. The Department will deny an application for a waiver if the parts have not been installed or the repairs performed as indicated on the receipts presented to the Department.</p> <p>6. The Department will allow registration of the vehicle if:</p> <p>(a) The provisions of <u>NAC 445B.582</u> have been complied with; and</p> <p>(b) The Department finds after inspection that additional costs exceeding the minimum established in this section are needed to bring the vehicle into compliance.</p> <p>7. A vehicle which qualifies for repairs under a warranty is not eligible for a waiver.</p> <p>8. A waiver permits the registration of the vehicle.</p> <p>[Environmental Comm'n, Engine Emission Control Reg. § 3.14.1, eff. 1-10-78; A and renumbered as § 3.15.1.1, 12-20-79; § 3.14.2, eff. 1-10-78; A and renumbered as § 3.15.1.2, 12-20-79; § 3.14.3, eff. 1-10-78; A and renumbered as § 3.15.1.3, 12-20-79; § 3.14.5, eff. 1-10-78; A and renumbered as § 3.15.1.4, 12-20-79; § 3.15.1, eff. 1-10-78; A 12-20-79; § 3.15.4, eff. 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; A by Environmental Comm'n, 12-26-89; 11-23-92; R033-98, 5-14-98)</p>	
445B.591	<p>Form for registration of vehicle in area where inspection of vehicle not required. (NRS 445B.210, 445B.770)</p> <p>1. The Department will make available a form for the registration or the renewal of registration for a motor vehicle which is not in an area where a program for the annual inspection of emissions from motor vehicles has been established.</p> <p>2. The form must be completed and submitted to the Department pursuant to its instructions.</p>	

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	(Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88)—(Substituted in revision for NAC 445.9315)	
445B.5915	<p>Requirements for registration of vehicle temporarily being used and maintained in another state. (NRS 481.051, 482.160)</p> <p>1. The owner of a motor vehicle subject to registration in this State that requires testing for compliance with standards for emission control pursuant to this chapter and <u>chapter 445B</u> of NRS, but whose vehicle is temporarily being used and maintained in another state that also requires the testing of motor vehicles for compliance with standards for emission control, must submit with his application for registration or renewal of registration:</p> <p>(a) Proof of compliance with the standards for emission control in the state in which the vehicle is temporarily being used and maintained; or</p> <p>(b) A waiver from such testing based on the standards for waiver applicable in the state in which the vehicle is temporarily being used and maintained.</p> <p>2. If the registered owner of a vehicle subject to this section fails to comply with the provisions of subsection 1, the Department may, after notice and an opportunity for a hearing, suspend or cancel the registration of the vehicle.</p> <p>(Added to NAC by Dep't of Motor Veh. by R068-05, 6-1-2006, eff. 9-1-2006)</p>	73FR38124 7/3/2008
445B.592	<p>Applicability of certain standards for emissions and other requirements. (NRS 445B.210, 445B.760, 445B.770, 445B.825) The provisions of subsection 3 of <u>NAC 445B.576</u> and <u>NAC 445B.593</u> to <u>445B.596</u>, inclusive, do not apply to any:</p> <ol style="list-style-type: none"> 1. Motorcycle or moped. 2. Motor vehicle which is subject to prorated registration pursuant to <u>NRS 706.801</u> to <u>706.861</u>, inclusive, and is not based in this State. 3. New motor vehicle until the third registration of the vehicle. 4. Motor vehicle permanently converted from gasoline to propane, compressed natural gas (CNG), methane or butane as a fuel. 5. Motor vehicle with a model year before 1968. 6. Heavy-duty motor vehicle which has a manufacturer's gross vehicle weight rating of more than 10,000 pounds and which is powered by a diesel engine. <p>[Environmental Comm'n, Engine Emission Control Reg. § 3.7.4, eff. 1-10-78; A 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 10-19-85, eff. 1-1-86; A by Environmental Comm'n, 12-26-89; 11-23-92; 11-9-95; R035-05, 10-31-2005)</p>	73FR38124 7/3/2008
445B.593	<p>Evidence of compliance required for certain vehicles based in Clark County. (NRS 445B.210, 445B.770)</p> <p>1. Except as otherwise provided in subsection 2, persons who are registering or reregistering a used motor vehicle in Clark County must provide evidence of compliance with <u>NAC 445B.400</u> to <u>445B.735</u>, inclusive, for those vehicles which are based at an address:</p> <ol style="list-style-type: none"> (a) Within the boundaries of Hydrographic Area 212, as established by the State Implementation Plan; (b) Within 5 miles of the boundaries of Hydrographic Area 212, as established by the State Implementation Plan; or (c) Within the city limits of Boulder City. <p>2. A person who is registering or reregistering a used motor vehicle in Clark County is not required to provide evidence of compliance with <u>NAC 445B.400</u> to <u>445B.735</u>, inclusive, for the vehicle if the vehicle is based at an address within the community of Goodsprings.</p> <p>3. The Department will establish and maintain a list by zip code of the addresses in Clark County that are subject to the requirements of</p>	73FR38124 7/3/2008

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	<p>this section and the addresses in Clark County that are exempted from the requirements of this section.</p> <p>4. As used in this section, “State Implementation Plan” means the plan adopted by the State of Nevada pursuant to 42 U.S.C. §§ 7410 and 7502.</p> <p>[Environmental Comm’n, Engine Emission Control Reg. § 3.9.2, eff. 1-10-78; A 12-20-79]—(NAC A by Environmental Comm’n & Dep’t of Motor Veh., 10-1-83; 11-19-85, eff. 1-1-86; A by Environmental Comm’n, 12-26-89; R035-05, 10-31-2005)</p>		
445B.594	<p>Evidence of compliance required for certain vehicles based in Washoe County. (NRS 445B.210, 445B.770)</p> <p>1. Except as otherwise provided in subsection 2, persons who are registering or reregistering used motor vehicles in Washoe County must provide evidence of compliance with <u>NAC 445B.400</u> to <u>445B.735</u>, inclusive, for those vehicles which are based at an address that is south of the 40th degree of north latitude.</p> <p>2. A person who is registering or reregistering a used motor vehicle in Washoe County is not required to provide evidence of compliance with <u>NAC 445B.400</u> to <u>445B.735</u>, inclusive, for the vehicle if the vehicle is based at an address:</p> <p>(a) Within the community of:</p> <ol style="list-style-type: none"> (1) Crystal Bay; (2) Empire; (3) Incline Village; (4) Nixon; (5) Sutcliffe; or (6) Wadsworth; or <p>(b) Which is serviced by a post office for any of the communities listed in paragraph (a).</p> <p>3. The Department will establish and maintain a list by zip code of the addresses in Washoe County that are subject to the requirements of this section and the addresses in Washoe County that are exempted from the requirements of this section.</p> <p>[Environmental Comm’n, Engine Emission Control Reg. § 3.9.3, eff. 1-10-78; A 12-20-79]—(NAC A by Environmental Comm’n & Dep’t of Motor Veh., 10-1-83; A by Environmental Comm’n, 12-26-89; R035-05, 10-31-2005)</p>		73FR38124 7/3/2008
445B.595	<p>Inspections of vehicles owned by State or political subdivisions or operated on federal installations. (NRS 445B.210, 445B.770, 445B.785)</p> <p>1. Motor vehicles owned by the State or any of its political subdivisions which are provided distinguishing license plates issued by the Department must be inspected and certified annually if they are based in those areas where a program for the inspection of exhaust emissions has been put into effect.</p> <p>2. Motor vehicles operated on federal installations located within an area requiring a program for the inspection of exhaust emissions must be inspected and certified annually. The provisions of this subsection:</p> <p>(a) Apply to all motor vehicles which are owned, leased or operated by an employee of, or military personnel stationed at, a federal installation;</p> <p>(b) Apply to all motor vehicles which are owned, leased or operated by any agency of the Federal Government on a federal installation;</p> <p>(c) Do not apply to tactical military vehicles operated on a federal installation; and</p>		74FR3975 1/22/09

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	[Environmental Comm'n, Engine Emission Control Reg. § 3.9.4, eff. 1-10-78; 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; A by Environmental Comm'n, 12-26-89; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95)																																						
445B.596	<p>Standards for emissions. (NRS 445B.210, 445B.760, 445B.770, 445B.780, 445B.785)</p> <p>1. Each motor vehicle powered by gasoline with a model year of 1968 to 1995, inclusive, and, with regard to motor vehicles with a model year of 1996 or newer, each heavy-duty motor vehicle powered by gasoline, that is subject to an inspection pursuant to <u>NAC 445B.593, 445B.594 or 445B.595</u> must not have:</p> <p>(a) Smoke in its emissions from its exhaust or crankcase when the prescribed procedure for the testing is used.</p> <p>(b) Carbon monoxide or hydrocarbon, or both, in its emissions from its exhaust in excess of the limits set forth in subsection 3 or 4.</p> <p>2. The measurements required by subsection 1 must be made with an approved exhaust gas analyzer and under the prescribed procedure. The engine must be at normal operating temperature, but if it has been operating at an idle for more than 5 minutes, it must be purged before the measurement is taken.</p> <p>3. The following standards apply to light-duty motor vehicles subject to subsection 1:</p> <table border="0" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: left;">Model Year</th> <th style="text-align: center;">Maximum CO%</th> <th style="text-align: center;">Maximum HC(PPM)</th> </tr> </thead> <tbody> <tr><td>1968-1969</td><td style="text-align: center;">4.0</td><td style="text-align: center;">800</td></tr> <tr><td>1970-1974</td><td style="text-align: center;">3.5</td><td style="text-align: center;">700</td></tr> <tr><td>1975-1978</td><td style="text-align: center;">2.5</td><td style="text-align: center;">500</td></tr> <tr><td>1979-1980</td><td style="text-align: center;">2.0</td><td style="text-align: center;">500</td></tr> <tr><td>1981-1995</td><td style="text-align: center;">1.2</td><td style="text-align: center;">220</td></tr> </tbody> </table> <p>4. The following standards apply to heavy-duty motor vehicles subject to subsection 1:</p> <table border="0" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: left;">Model Year</th> <th style="text-align: center;">Maximum CO%</th> <th style="text-align: center;">Maximum HC(PPM)</th> </tr> </thead> <tbody> <tr><td>1968-1969</td><td style="text-align: center;">7.0</td><td style="text-align: center;">1400</td></tr> <tr><td>1970-1978</td><td style="text-align: center;">6.0</td><td style="text-align: center;">1400</td></tr> <tr><td>1979</td><td style="text-align: center;">5.0</td><td style="text-align: center;">1000</td></tr> <tr><td>1980</td><td style="text-align: center;">4.0</td><td style="text-align: center;">1000</td></tr> <tr><td>1981 and newer</td><td style="text-align: center;">3.5</td><td style="text-align: center;">1000</td></tr> </tbody> </table> <p>[Environmental Comm'n, Engine Emission Control Reg. § 3.8.2, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor</p>		Model Year	Maximum CO%	Maximum HC(PPM)	1968-1969	4.0	800	1970-1974	3.5	700	1975-1978	2.5	500	1979-1980	2.0	500	1981-1995	1.2	220	Model Year	Maximum CO%	Maximum HC(PPM)	1968-1969	7.0	1400	1970-1978	6.0	1400	1979	5.0	1000	1980	4.0	1000	1981 and newer	3.5	1000	73FR38124 7/3/2008
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	Veh., 10-1-83; 11-19-85, eff. 1-1-86; 11-19-85, eff. 1-1-87; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; A by Environmental Comm'n, 12-26-89; 7-5-94; 11-9-95; A by Dep't of Motor Veh. by R178-01, 8-21-2002)	
445B.598	<p>Imposition and statement of fee for inspection and testing; listing of stations and fees. (NRS 445B.785, 445B.830)</p> <p>1. For inspecting and testing a motor vehicle in accordance with the required procedure, an authorized station or authorized inspection station may charge a reasonable fee but not more than the maximum fee prescribed by the Department pursuant to <u>NAC 445B.599</u>.</p> <p>2. The Department will not issue a license to such a station pursuant to <u>NAC 445B.460</u> to <u>445B.480</u>, inclusive, until the applicant has furnished the Department a written statement of the fee which it will charge for performing the required procedures for inspection and testing.</p> <p>3. The Department will maintain a list of authorized stations and authorized inspection stations, and their statements of current fees for inspection and testing.</p> <p>[Dep't of Motor Veh., Engine Emission Control Reg. §§ 5.1-5.3, eff. 6-19-80]—(NAC A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95)</p>	73FR38124 7/3/2008
445B.599	<p>Prescription and notice of maximum fees for inspections and testing. (NRS 445B.210, 445B.770, 445B.785, 445B.830)</p> <p>1. The Department will annually prescribe the maximum fees for inspections and testing by authorized stations and authorized inspection stations, and will mail a notice of the applicable maximum fee to each authorized station and authorized inspection station.</p> <p>2. For each county where a program of inspection and testing of vehicles is in effect, the Department will determine the maximum fee which may be charged for the inspection and for issuing evidence of compliance, by taking 35 percent of the average hourly shop labor rate charged by the authorized stations within the county and rounding the result to the nearest 50 cents.</p> <p>3. If an authorized station or authorized inspection station is located outside any county where the inspection and testing of vehicle emissions is in effect, the Department will prescribe as the maximum fee for the station the maximum fee of the nearest county where the program is in effect.</p> <p>[Dep't of Motor Veh., Engine Emission Control Reg. §§ 5.1.2, 5.1.4 & 5.1.5, eff. 6-19-80]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-13-95; R079-98, 9-25-98)</p>	73FR38124 7/3/2008
445B.600	<p>Procedure for setting new fee. (NRS 445B.785)</p> <p>1. An authorized station or authorized inspection station must not put a new fee into effect unless it first submits to the Department a written request that the new fee be listed and receives the Department's acknowledgment.</p> <p>2. Within 10 days after receiving such a request, the Department will send a written acknowledgment to the authorized station or authorized inspection station.</p> <p>[Dep't of Motor Veh., Engine Emission Control Reg. § 5.4, eff. 6-19-80]—(NAC A 9-13-95)</p>	73FR38124 7/3/2008
445B.601	<p>Concealment of emissions prohibited. (NRS 445B.210, 445B.760, 445B.770) A person shall not install, construct or use any device which conceals any emission without resulting in a reduction in the total release of air contaminants to the atmosphere.</p> <p>[Environmental Comm'n & Dep't of Motor Veh. Reg. § 2.2.1, eff. 1-10-78]—(Substituted in revision for NAC 445.944)</p>	73FR38124 7/3/2008
Restored Vehicles		
445B.6115	Exemption of vehicle from certain provisions. (NRS 445B.210, 445B.760, 445B.770, 445B.825) The provisions of <u>NAC 445B.575</u> to	73FR38124

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	<u>445B.601</u> , inclusive, do not apply to a motor vehicle that is certified as a restored vehicle by the Department pursuant to <u>NAC 445B.6125</u> . (Added to NAC by Environmental Comm'n by R205-97, eff. 3-5-98; A by R055-00, 7-27-2000)	7/3/2008
445B.6125	<p>Certification of vehicle for exemption. (<u>NRS 445B.210</u>, <u>445B.760</u>, <u>445B.770</u>, <u>445B.825</u>) The Department may certify a motor vehicle as a restored vehicle if the motor vehicle:</p> <ol style="list-style-type: none"> 1. Is licensed pursuant to <u>NRS 482.381</u>, <u>482.3812</u>, <u>482.3814</u> or <u>482.3816</u>; 2. Does not emit smoke; 3. Has an engine that complies with the standards for emissions set forth in <u>NAC 445B.596</u> for the model year of the motor vehicle as determined by a two-speed emissions test conducted by the Department pursuant to <u>NRS 445B.798</u> or conducted at an authorized station or authorized inspection station; and 4. Has been certified upon each annual registration required pursuant to <u>NRS 482.205</u> to have been driven not more than 2,500 miles since the immediately preceding annual registration, if any. <p>(Added to NAC by Environmental Comm'n by R205-97, eff. 3-5-98)</p>	73FR38124 7/3/2008
Inspection Of Test Stations And Approved Inspectors		
445B.7015	<p>Annual and additional inspections. (<u>NRS 445B.790</u>)</p> <ol style="list-style-type: none"> 1. The Department will conduct: <ol style="list-style-type: none"> (a) Annual inspections of test stations; and (b) Inspections of the performance of approved inspectors. 2. In addition to the annual inspections of test stations required pursuant to paragraph (a) of subsection 1, the Department may determine that additional inspections of test stations are necessary based on the following factors: <ol style="list-style-type: none"> (a) Rates of failure of motor vehicles on exhaust emissions tests administered at a test station or by an approved inspector that the Department determines to be abnormal when compared to the overall rates of failure of motor vehicles on exhaust emissions tests administered at all test stations and by all approved inspectors; (b) Complaints received against test stations and approved inspectors; (c) Violations of <u>NRS 445B.700</u> to <u>445B.845</u>, inclusive, or 40 C.F.R. Part 51 discovered by the Department during prior inspections conducted pursuant to subsection 1 or prior inspections or audits conducted pursuant to <u>NAC 445B.472</u>; and (d) Any data on the state electronic data transmission system relating to a test station or approved inspector that the Department determines is questionable. <p>(Added to NAC by Dep't of Motor Veh. by R003-04, eff. 2-3-2005)</p>	73FR38124 7/3/2008
445B.7025	<p>Alteration of emission control system of vehicle used to conduct inspection. (<u>NRS 445B.790</u>) For the purposes of an inspection conducted pursuant to <u>NAC 445B.7015</u>, the emission control system of a motor vehicle that is used by the Department to conduct the inspection will be altered in such a manner that an approved inspector, using due care and following the testing procedures described in <u>NAC 445B.580</u>, <u>445B.5805</u> and <u>445B.589</u>, would readily identify, through only a visual inspection of the vehicle, that the emission control system of the vehicle has been tampered with or is missing or inoperable.</p> <p>(Added to NAC by Dep't of Motor Veh. by R003-04, eff. 2-3-2005)</p>	73FR38124 7/3/2008

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445B.7035	<p>Preliminary written notice of violation; reinspection of vehicle. (NRS 445B.790)</p> <p>1. If the Department discovers noncompliance with any of the testing procedures set forth in <u>NAC 445B.580</u>, <u>445B.5805</u> or <u>445B.589</u> during an inspection conducted pursuant to <u>NAC 445B.7015</u>, the Department will issue a preliminary written notice of the violation, on a form prescribed by the Department, to the approved inspector who committed the violation. If the approved inspector who committed the violation is no longer present at the test station, the Department will:</p> <p>(a) Give the preliminary written notice of the violation to another approved inspector or any other employee of the test station who is present; and</p> <p>(b) Send a copy of the written preliminary notice to the approved inspector who committed the violation by certified mail not later than 5 business days after the violation occurred.</p> <p>2. Before removing the motor vehicle used in the inspection conducted pursuant to <u>NAC 445B.7015</u> from the test station, the Department will allow the approved inspector who committed the violation or, in the absence of the approved inspector, the person to whom the preliminary written notice of the violation was given pursuant to paragraph (a) of subsection 1, to inspect the motor vehicle used in the inspection.</p> <p>3. If the approved inspector who committed the violation is not the owner of the test station where the violation occurred, the Department will send a copy of the written preliminary notice to the owner by certified mail not later than 5 business days after the violation occurred. (Added to NAC by Dep't of Motor Veh. by R003-04, eff. 2-3-2005)</p>	73FR38124 7/3/2008
445B.7045	<p>Administrative fines and other penalties for certain violations. (NRS 445B.785, 445B.790, 445B.835)</p> <p>1. If the Department imposes administrative fines or other penalties against an owner of a test station pursuant to <u>NRS 445B.835</u> for a violation of <u>NAC 445B.4985</u>, the Department will impose such fines or other penalties for violations occurring within the 2-year period immediately preceding the most recent offense according to the following schedule:</p> <p>(a) For a first offense, issue a cease and desist order.</p> <p>(b) For a second offense, require the owner of the test station or his authorized representative to complete successfully an educational course, which is established and conducted by the Department, not later than the date specified in the notice of the violation.</p> <p>(c) For a third offense, impose a fine of \$1,000.</p> <p>(d) For a fourth offense, revoke the license of the owner to operate the test station.</p> <p>2. If the Department imposes administrative fines or other penalties against an approved inspector pursuant to <u>NRS 445B.835</u> for a violation of <u>NAC 445B.580</u>, <u>445B.5805</u> or <u>445B.589</u>, the Department will impose such fines or other penalties for violations occurring within the 2-year period immediately preceding the most recent offense according to the following schedule:</p> <p>(a) For a first offense:</p> <p>(1) Issue a cease and desist order; and</p> <p>(2) Require the approved inspector to complete successfully an educational course, which is established and conducted by the Department, not later than the date specified in the notice of the violation.</p> <p>(b) For a second offense:</p> <p>(1) Impose a fine of \$250;</p>	73FR38124 7/3/2008

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	<p>(2) Require the approved inspector to complete successfully an educational course, which is established by the Department and conducted by a provider approved by the Department, not later than the date specified in the notice of the violation; and</p> <p>(3) Suspend the license of the approved inspector for 10 calendar days.</p> <p>(c) For a third offense:</p> <p>(1) Impose a fine of \$500; and</p> <p>(2) Suspend the license of the approved inspector for 90 calendar days.</p> <p>(d) For a fourth offense, permanently revoke the license of the approved inspector.</p> <p>3. Any person who has been fined in accordance with the schedules set forth in this section shall make payment to the Department not later than the date specified in the notice of the violation, unless the person has requested a hearing pursuant to subsection 1 of <u>NRS 445B.835</u>.</p> <p>4. Upon the failure of a person to pay a fine or comply with any directive imposed pursuant to the provisions of this section, the Director may suspend, revoke or refuse to issue any license obtained pursuant to the provisions of <u>chapter 445B</u> of NRS.</p> <p>5. An owner of a test station whose license is revoked by the Department pursuant to this section:</p> <p>(a) Shall not directly or indirectly engage in any activity pursuant to this chapter or <u>chapter 445B</u> of NRS that is related to emission control inspections of motor vehicles, if the violation:</p> <p>(1) Was knowing or willful; or</p> <p>(2) Involved fraud.</p> <p>(b) May directly or indirectly engage in any activity pursuant to this chapter or <u>chapter 445B</u> of NRS that is related to emission control inspections of motor vehicles at a test station other than the test station where the violation occurred, if the violation:</p> <p>(1) Was not knowing or willful; and</p> <p>(2) Did not involve fraud.</p> <p>6. An approved inspector whose license is revoked or suspended by the Department pursuant to this section shall not directly or indirectly engage in any activity pursuant to this chapter or <u>chapter 445B</u> of NRS that is related to emission control inspections of motor vehicles.</p> <p>7. For the purposes of this section, the curriculum for an educational course established by the Department may include, without limitation:</p> <p>(a) The pertinent laws and regulations related to the control of emissions of motor vehicles;</p> <p>(b) Procedures for emission control inspections of motor vehicles;</p> <p>(c) The responsibilities of owners of test stations; and</p> <p>(d) A review of the penalties which may be imposed on the owner of a test station or an approved inspector for future violations of <u>NRS 445B.700</u> to <u>445B.845</u>, inclusive, or any rule, regulation or order adopted or issued pursuant thereto.</p> <p>(Added to NAC by Dep't of Motor Veh. by R003-04, eff. 2-3-2005)</p>		
Miscellaneous Provisions			
445B.727	Administrative fines and other penalties. (NRS 445B.785, 445B.835, 481.051)		73FR38124

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	<p>1. Except as otherwise provided in subsections 2 and 3 and <u>NAC 445B.7045</u>, if the Department imposes administrative fines pursuant to the provisions of <u>NRS 445B.835</u>, it will impose such fines for violations occurring within the 2-year period immediately preceding the most recent offense according to the following schedule:</p> <ul style="list-style-type: none"> (a) For a first offense, a fine of not less than \$100 or more than \$500. (b) For a second offense, a fine of not less than \$500 or more than \$1,000. (c) For a third offense, a fine of not less than \$1,000 or more than \$1,500. (d) For a fourth or subsequent offense, a fine of not less than \$1,500 or more than \$2,500. <p>↪ For the purposes of paragraphs (b), (c) and (d), a cease and desist order issued by the Department shall be deemed to be a first offense.</p> <p>2. If the Department imposes administrative fines on an owner or operator of a heavy-duty motor vehicle powered by diesel for a violation of the standards of opacity established pursuant to <u>NRS 445B.780</u>, it will impose such fines for violations occurring within the 1-year period immediately preceding the most recent offense according to the following schedule:</p> <ul style="list-style-type: none"> (a) For a first offense, a fine of \$800. The Department will not impose this fine if demonstration of correction is provided within 45 calendar days after the receipt of the citation. (b) For a second or subsequent offense, a fine of \$1,500. <p>↪ For the purposes of paragraph (b), a cease and desist order issued by the Department shall be deemed to be a first offense.</p> <p>3. The Department may impose a fine of not less than \$1,500 or more than \$2,500 for any violation of <u>NAC 445B.460</u> or subsection 4 of <u>NRS 445B.840</u>.</p> <p>4. Any person who has been fined pursuant to the provisions of <u>NRS 445B.835</u> shall make payment to the Department not later than the date specified in the notice of the violation, unless he has requested a hearing pursuant to subsection 1 of that section.</p> <p>5. Upon the failure of a person to pay a fine imposed pursuant to the provisions of this section when it becomes due, the Director may suspend, revoke or refuse to issue any license obtained pursuant to the provisions of <u>chapter 445B</u> of NRS. (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-23-92; A 12-4-96; A by Dep't of Motor Veh. by R003-04, 2-3-2005)</p>		7/3/2008
445B.735	<p>Program for licensure to install, repair and adjust devices for control of emissions. (<u>NRS 445B.210</u>, <u>445B.770</u>, <u>445B.785</u>) A program for the licensure of authorized inspection stations and persons qualified to install, repair and adjust devices for the control of emissions in motor vehicles is hereby established. The program, which is to be established by the Department in compliance with the requirements of 40 C.F.R. § 51.367, must include, without limitation, a procedure for reporting for persons qualified to install, repair and adjust devices for the control of emissions in motor vehicles. (Added to NAC by Environmental Comm'n, eff. 3-23-94; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98)</p>		73FR38124 7/3/2008
TITLE 51 - CHAPTER 590 – MOTOR VEHICLE FUEL, PETROLEUM PRODUCTS AND ANTIFREEZE FUELS			
590.065	<p>Gasoline: Adoption by reference of specifications; limitations on vapor pressure; minimum temperatures for vapor lock; limitations on contents. (<u>NRS 561.105</u>, <u>590.070</u>)</p> <p>1. Except as otherwise provided in this section, the State Board of Agriculture hereby adopts by reference ASTM D4814, “Standard Specification for Automotive Spark-Ignition Engine Fuel,” contained in Volume 05.02, “Petroleum Products and Lubricants,” of the 2009</p>		75FR59090 9/27/10

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	<p><i>Annual Book of ASTM Standards</i>, as that standard existed on July 1, 2009, and any subsequent revision of that standard published by ASTM International that is approved by the State Board of Agriculture pursuant to this section for use in this State. The standard may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, or at the Internet address http://www.astm.org, for the price of \$53.</p> <p>2. The State Board of Agriculture will review each revision of ASTM D4814 that is published after July 1, 2009, to ensure its suitability for use in this State. If the State Board of Agriculture fails to approve or disapprove such a revision within 120 days after its date of publication, the revision shall be deemed approved by the State Board of Agriculture for use in this State. The State Board of Agriculture will file a copy of each revision which it approves or which is deemed approved pursuant to this section with the Secretary of State and the State Library and Archives Administrator. The most recent revision that is approved by the State Board of Agriculture will be available for inspection at the State Department of Agriculture, 405 South 21st Street, Sparks, Nevada 89431.</p> <p>3. Notwithstanding the provisions of Table 4 (“Schedule of Seasonal and Geographical Volatility Classes”) of ASTM D4814 that apply to this State, the schedule that is designated in Table 4 for the area of this State that lies north of the 38th degree of north latitude applies to the entire area of this State unless the United States Environmental Protection Agency requires a county to comply with a different requirement relating to vapor pressure.</p> <p>4. Except as otherwise provided in subsection 6, gasoline:</p> <p>(a) Sold between June 1 and September 15 of each calendar year containing:</p> <p>(1) Not less than 9 percent ethanol by volume and not more than 10 percent ethanol by volume must not exceed the limits for vapor pressure set forth in ASTM D4814 by more than 1 pound per square inch.</p> <p>(2) Less than 9 percent ethanol by volume must not exceed the limits specified in ASTM D4814.</p> <p>(b) Sold during any other period in a calendar year containing not more than 10 percent ethanol by volume must not exceed the limits specified in ASTM D4814 by more than 1 pound per square inch.</p> <p>5. Until May 1, 2012, or until ASTM D4814 is amended to incorporate changes to the minimum temperature for vapor lock for the following classes to include the effects of volatility of not more than 10 percent of ethanol by volume, whichever occurs first, the minimum temperature for a vapor-liquid ratio of 20 for the applicable class of vapor lock protection for a blend of gasoline and ethanol is:</p> <p>(a) For class 1, 54 degrees Centigrade (129 degrees Fahrenheit).</p> <p>(b) For class 2, 50 degrees Centigrade (122 degrees Fahrenheit).</p> <p>(c) For class 3, 47 degrees Centigrade (116 degrees Fahrenheit).</p> <p>(d) For class 4, 41.5 degrees Centigrade (107 degrees Fahrenheit).</p> <p>(e) For class 5, 39 degrees Centigrade (102 degrees Fahrenheit).</p> <p>(f) For class 6, 35 degrees Centigrade (95 degrees Fahrenheit).</p> <p>↪ Gasoline and any blend of gasoline and ethanol that is sold in the area of this State which is east of the 117th degree of west longitude and north of the 38th degree of north latitude must meet the minimum temperatures for vapor lock protection set forth in ASTM D4814.</p> <p>6. Gasoline and any blend of gasoline and ethanol sold in Clark County between October 1 and the following March 31 must not exceed a vapor pressure of 13.5 pounds per square inch.</p>		

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	<p>8. Any other test method may be used if the State Sealer of Weights and Measures determines that another method produces results equivalent to the results of the specified method. A method approved by ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.</p> <p>(Added to NAC by Bd. of Agriculture, eff. 3-5-90; A by Dep't of Agriculture, 3-27-92; A by Bd. of Agriculture, 11-18-93; 11-2-94; 2-20-96; 10-22-97; R145-98, 12-14-98; R176-01, 5-31-2002; R002-04, 9-21-2004; R111-08, 1-28-2010)</p>	