

CHAPTER.....

AN ACT relating to motor vehicles; eliminating provisions relating to authorized maintenance stations licensed to install, repair and adjust devices for the control of pollution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for oversight, including licensing, by the Department of Motor Vehicles, in cooperation with the State Environmental Commission, of: (1) authorized inspection stations, at which motor vehicles and devices for pollution control may be inspected for compliance with pollution-control standards; (2) authorized maintenance stations, at which devices for the control of pollution may be installed, repaired and adjusted; and (3) authorized stations, at which devices for the control of pollution may be installed, repaired and adjusted and motor vehicles and devices for pollution control may be inspected. (NRS 445B.700-445B.845) There are no authorized maintenance stations in Nevada and, accordingly, the provisions relating to such facilities have become obsolete. This bill eliminates those provisions.

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

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

Section 1. NRS 445B.775 is hereby amended to read as follows:

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

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

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

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

- (1) The changing of oil;
- (2) The replacing of an oil filter, air filter, fuel filter, belt or hose; and



(3) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

2. ~~{Authorized maintenance stations, including criteria by which any person may become qualified to install, repair and adjust devices for the control of emissions for motor vehicles.~~

~~—3.—~~ Authorized stations, including criteria by which any person may become qualified to inspect, repair, adjust and install devices for the control of emissions for motor vehicles.

Sec. 2. NRS 445B.785 is hereby amended to read as follows:

445B.785 1. The Department of Motor Vehicles shall, in cooperation with the Commission, adopt regulations which:

(a) Prescribe requirements for licensing authorized inspection stations, ~~{authorized maintenance stations,}~~ authorized stations and fleet stations. The regulations adopted pursuant to this paragraph must provide that a facility licensed as an authorized inspection station:

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

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

(I) The changing of oil;

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

(III) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

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

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

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

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

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

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



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

Sec. 3. NRS 445B.790 is hereby amended to read as follows:

445B.790 1. The Department of Motor Vehicles shall, by regulation, establish procedures for inspecting authorized inspection stations, ~~authorized maintenance stations,~~ authorized stations and fleet stations, and may require the holder of a license for an authorized inspection station, ~~authorized maintenance station,~~ authorized station or fleet station to submit any material or document which is used in the program to control emissions from motor vehicles.

2. The Department may deny, suspend or revoke the license of an approved inspector, authorized inspection station, ~~authorized maintenance station,~~ authorized station or fleet station if:

(a) The approved inspector or the holder of a license for an authorized inspection station, ~~authorized maintenance station,~~ authorized station or fleet station is not complying with the provisions of NRS 445B.700 to 445B.815, inclusive.

(b) The holder of a license for an authorized inspection station, ~~authorized maintenance station,~~ authorized station or fleet station refuses to furnish the Department with the requested material or document.

(c) The approved inspector has issued a fraudulent certificate of compliance, whether intentionally or negligently. A "fraudulent certificate" includes, but is not limited to:

- (1) A backdated certificate;
- (2) A postdated certificate; and
- (3) A certificate issued without an inspection.

(d) The approved inspector does not follow the prescribed test procedure.

Sec. 4. NRS 445B.820 is hereby amended to read as follows:

445B.820 Any person may install a motor vehicle pollution control device, but no person who is not employed by an ~~authorized maintenance station,~~ authorized station or fleet station may install a device for compensation. No such device shall be deemed to meet the requirements of NRS 445B.770 to 445B.815, inclusive, or regulations of the Commission or Department unless it has been inspected in an authorized inspection station, authorized station or fleet station, and evidence of compliance has been issued by that station.



Sec. 5. NRS 445B.830 is hereby amended to read as follows:

445B.830 1. In areas of the State where and when a program is commenced pursuant to NRS 445B.770 to 445B.815, inclusive, the following fees must be paid to the Department of Motor Vehicles and accounted for in the Pollution Control Account, which is hereby created in the State General Fund:

- (a) For the issuance and annual renewal of a license for an authorized inspection station, ~~authorized maintenance station,~~ authorized station or fleet station..... \$25
- (b) For each set of 25 forms certifying emission control compliance..... 150
- (c) For each form issued to a fleet station..... 6

2. Except as otherwise provided in subsection 6, and after deduction of the amounts distributed pursuant to subsection 4, money in the Pollution Control Account may, pursuant to legislative appropriation or with the approval of the Interim Finance Committee, be expended by the following agencies in the following order of priority:

- (a) The Department of Motor Vehicles to carry out the provisions of NRS 445B.770 to 445B.845, inclusive.
- (b) The State Department of Conservation and Natural Resources to carry out the provisions of this chapter.
- (c) The State Department of Agriculture to carry out the provisions of NRS 590.010 to 590.150, inclusive.
- (d) Local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air.
- (e) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the preservation and improvement of air quality in the Lake Tahoe Basin.

3. The Department of Motor Vehicles may prescribe by regulation routine fees for inspection at the prevailing shop labor rate, including, without limitation, maximum charges for those fees, and for the posting of those fees in a conspicuous place at an authorized inspection station or authorized station.

4. The Department of Motor Vehicles shall make quarterly distributions of money in the Pollution Control Account to local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408. The distributions of money made to agencies in a county pursuant to this subsection must be made from an amount of money in the Pollution Control Account that is equal



to one-sixth of the amount received for each form issued in the county pursuant to subsection 1.

5. Each local air pollution control agency that receives money pursuant to subsections 4 and 6 shall, not later than 45 days after the end of the fiscal year in which the money is received, submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee a report on the use of the money received.

6. The Department of Motor Vehicles shall make annual distributions of excess money in the Pollution Control Account to local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air. The distributions of excess money made to local air pollution control agencies in a county pursuant to this subsection must be made in an amount proportionate to the number of forms issued in the county pursuant to subsection 1. As used in this subsection, "excess money" means the money in excess of \$1,000,000 remaining in the Pollution Control Account at the end of the fiscal year, after deduction of the amounts distributed pursuant to subsection 4 and any disbursements made from the Account pursuant to subsection 2.

7. The Department of Motor Vehicles shall provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:

- (a) Establish goals and objectives for the program for control of emissions from motor vehicles;
- (b) Identify areas where funding should be made available; and
- (c) Review and make recommendations concerning regulations adopted pursuant to NRS 445B.770.

Sec. 6. NRS 487.560 is hereby amended to read as follows:

487.560 1. On and after January 1, 1998, a garage operator shall register with the Department for authorization to operate a garage.

2. An application for registration must be on a form provided by the Department. The application must include:

- (a) The name of the applicant, including each name under which the applicant intends to do business;
- (b) The complete street address of each location from which the applicant will be conducting business, including a designation of the location that will be the applicant's principal place of business;



(c) A copy of the business license for each garage operated by the applicant if the county or city in which the applicant operates a garage requires such a license;

(d) The type of repair work offered at each garage operated by the applicant;

(e) The number of mechanics employed at each garage operated by the applicant; and

(f) Any other information required by the Department.

3. Except as otherwise provided in this subsection, for each garage operated by an applicant, the Department shall charge a fee of \$25 for the issuance or renewal of registration. If an applicant operates more than one garage, the applicant may file one application if he or she clearly indicates on the application the location of each garage operated by the applicant and each person responsible for the management of each garage. The Department shall waive the fee for the issuance or renewal of registration for a person that is licensed as:

(a) An authorized inspection station ~~}; authorized maintenance station}~~ or authorized station pursuant to chapter 445B of NRS;

(b) A manufacturer, distributor, dealer or rebuilder pursuant to chapter 482 of NRS; or

(c) An automobile wrecker, salvage pool or body shop pursuant to this chapter.

4. All fees collected by the Department pursuant to this section must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.

5. An applicant for registration or renewal of registration shall notify the Department of any material change in the information contained in the application for registration or renewal within 10 days after knowledge of the change.

Sec. 7. NRS 445B.715 is hereby repealed.



