

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R052-12

August 29, 2012

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

AUTHORITY: §§1-4, NRS 445B.767 and 445B.770.

A REGULATION relating to emissions; establishing the voluntary program of electronic monitoring of emission information from certain vehicles; establishing the requirements to be an authorized vendor of a data management system; and providing other matters properly relating thereto.

Section 1. Chapter 445B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *The voluntary program of electronic monitoring of emission information is hereby established pursuant to NRS 445B.767.*

2. The owner or lessee of a fleet of three or more vehicles located in a county whose population is 100,000 or more is eligible to participate in the voluntary program if:

(a) Each of the vehicles which participates in the voluntary program is equipped with onboard diagnostic equipment that monitors information relating to the emissions of the vehicles;

(b) The owner or lessee enters into a written agreement with the Department to submit to the Department continuous emission compliance data in a format prescribed by the Department from the onboard diagnostic equipment of the vehicles in the fleet using a data

management system obtained from an authorized vendor as described in section 3 of this regulation; and

(c) The owner or lessee complies with any other requirements established by the Department.

3. The owner or lessee of a fleet which participates in the voluntary program may not apply for a waiver of standards for emissions pursuant to NAC 445B.590 for any vehicle of the fleet which participates in the voluntary program.

4. The owner or lessee of a fleet which participates in the voluntary program is not required to have the vehicles of that fleet or the systems for the control of emissions of the vehicles of that fleet inspected or tested pursuant to NAC 445B.575 to 445B.601, inclusive, and shall be deemed to have complied with the requirements of those provisions if the owner or lessee remains in compliance with the requirements of subsection 2 and any other requirements of the Department for participation in the voluntary program.

5. Participation in the voluntary program may be terminated if:

(a) The owner or lessee of a fleet of vehicles which participates in the voluntary program is found to be out of compliance with the requirements of this section or the agreement entered into with the Department pursuant to subsection 2;

(b) Evidence indicates that the onboard diagnostic equipment of a vehicle that is part of a fleet which participates in the voluntary program has been manipulated or tampered with to allow the submission to the Department of erroneous or fraudulent information;

(c) The owner or lessee of a fleet of vehicles which participates in the voluntary program fails to present to the Department a vehicle of the fleet for inspection upon request by the

Department for verification of the emission data for the vehicle that has been transmitted to the Department;

(d) The owner or lessee of a fleet of vehicles which participates in the voluntary program fails to inform the Department when a vehicle is no longer part of the fleet which participates in the program;

(e) The owner or lessee of a fleet of vehicles which participates in the voluntary program fails to correct any problem with the transmission of data to the Department from a vehicle of the fleet; or

(f) Inaccurate or incomplete information is transmitted to the Department from a vehicle that is part of a fleet which participates in the voluntary program.

Sec. 3. *To become an authorized vendor of a data management system which is required for participation in the voluntary program established pursuant to section 2 of this regulation, a vendor must:*

1. Demonstrate that the data management system offered by the vendor will submit to the Department data in accordance with the specifications and in the format required by the Department;

2. Enter into a written agreement with the Department to comply with any requirements established by the Department; and

3. Provide any additional information the Department may require.

Sec. 4. NAC 445B.401 is hereby amended to read as follows:

445B.401 As used in NAC 445B.400 to 445B.735, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 445B.403 to 445B.4556, inclusive, have the meanings ascribed to them in those sections.