

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R171-07

November 15, 2007

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

AUTHORITY: §§1 and 2, NRS 445B.210, 445B.760, 445B.770 and 445B.825.

A REGULATION relating to air pollution; authorizing the Department of Motor Vehicles to grant waivers from emissions standards for certain motor vehicles; and providing other matters properly relating thereto.

Section 1. NAC 445B.5805 is hereby amended to read as follows:

445B.5805 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:

- (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:

(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 ~~if~~, *unless the Department grants a waiver pursuant to paragraph (b) of subsection 1 of NAC 445B.590;*

(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.

Sec. 2. NAC 445B.590 is hereby amended to read as follows:

445B.590 1. Only the Department may grant a waiver ~~from~~ :

(a) *From* the standards for emissions as set forth in ~~subsection~~ :

(1) *Subsection* 3 of NAC 445B.576 ; or ~~in~~

(2) NAC 445B.596 ~~if~~ ; *or*

(b) For a motor vehicle that fails an inspection pursuant to paragraph (b) of subsection 4 of NAC 445B.5805.

2. An application for a waiver from the provisions of NAC 445B.596 for a motor vehicle powered by gasoline that is subject to an inspection pursuant to:

(a) NAC 445B.594 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.

(b) NAC 445B.593 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.

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 NAC 445B.576 must include:

(a) A copy of the original certificate indicating that the vehicle failed to comply with the provisions of subsection 3 of NAC 445B.576; and

(b) Receipts or other evidence that at least \$750 has been spent on:

(1) Parts other than required emission control equipment; or

(2) Labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions.

↪ 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 NAC 445B.576.

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 NAC 445B.576 must include:

(a) A copy of the original certificate indicating that the vehicle failed to comply with the provisions of subsection 3 of NAC 445B.576; and

(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.

↪ 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 NAC 445B.576.

5. *An application for a waiver for a motor vehicle that fails an inspection pursuant to paragraph (b) of subsection 4 of NAC 445B.5805 must include:*

(a) A copy of the original certificate indicating the motor vehicle failed the inspection; and

(b) Any other information required by the Department.

6. 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.

~~6.7~~ 7. The Department will allow registration of the vehicle if:

(a) The provisions of NAC 445B.582 have been complied with; and

(b) The Department finds after inspection that additional costs exceeding the minimum established in this section are needed to bring the vehicle into compliance.

- ~~[7.]~~ 8. A vehicle which qualifies for repairs under a warranty is not eligible for a waiver.
- ~~[8.]~~ 9. A waiver permits the registration of the vehicle.