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Facilities for Inspection and Maintenance

NAC 445B.460 Test station: License required to operate; expiration of license; ratings; performance of certain services; prohibited acts; location. (NRS 445B.210, 445B.770, 445B.785)

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.

2. A license that:

(a) Was issued for a test station before September 25, 1998, expires on September 30 of each calendar year.

(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.

3. A test station must obtain from the Department:

(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 NAC 445B.580, use

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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.

(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 NAC 445B.589, use a dynamometer and a smoke opacity meter that comply with the requirements of NAC 445B.587 and at least one approved inspector who has a "D" rating to perform the exhaust emissions tests.

4. A facility which holds a license as an authorized inspection station or class 1 fleet station:

(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.

(b) May:

(1) Change oil;

(2) Replace an oil filter, air filter, fuel filter, external conventional or serpentine accessory drive belt or cooling system hose; and

(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:

(I) Replace the spark plugs, secondary cables for the spark plugs, distributor cap, rotor, points or condenser of the vehicle; and

(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.

(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.

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.

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.

7. A person or business which manufactures, sells, repairs, rents or leases exhaust gas analyzers approved by the Department for the testing of exhaust emissions shall not own or hold any ownership interest in any business licensed to operate a test station.

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:

(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.

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:

(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.

[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)

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NAC 445B.461 Compliance by Federal Government, state agencies and political subdivisions. (NRS 445B.210, 445B.770, 445B.785)

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 NAC 445B.400 to 445B.735, inclusive.

2. The Federal Government or any state agency or political subdivision, in complying with NAC 445B.400 to 445B.735, 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 NRS 482.368.

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:

- (a) Bond, NAC 445B.465;
- (b) Evidence of compliance, NAC 445B.583 to 445B.586, inclusive;
- (c) Sign, NAC 445B.469; and

~~(d) Use of waiver, NAC 445B.590.~~

[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)

NAC 445B.462 Test station: Application for license to operate; inspection of premises; issuance of license. (NRS 445B.210, 445B.770, 445B.785, 445B.790)

1. An application for a license to operate a test station must be filed on a form supplied by the Department. The applicant must:

- (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
- (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.

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.

3. A license for:

(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.

(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.

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:

- (a) Name of the station;
- (b) Type and, if applicable, class of station;
- (c) Rating or ratings approved for the station;
- (d) Address of the established place of business of the licensee; and
- (e) Date on which the license expires.

[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)

NAC 445B.463 Test station: Grounds for denial, revocation or suspension of license; reapplication; permanent revocation of license. (NRS 445B.210, 445B.770, 445B.785, 445B.790)

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:

- (a) Failure of the applicant or licensee to have an established place of business in this State.
- (b) Material misstatement on the application.

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(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.

(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 nation.

(e) The conviction of the applicant or licensee for violating any provision of NAC 445B.400 to 445B.735, inclusive.

(f) The conviction of the applicant or licensee for violating any provisions of chapter 598 of NRS relating to deceptive trade practices.

(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.

(h) Commission of any fraudulent act, including, without limitation:

- (1) Misrepresentation of a material fact in any manner, whether intentional or grossly negligent; and
- (2) An intentional failure to disclose a material fact.

(i) Willful failure to comply with any regulation of the Department.

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.

3. An applicant or licensee may not reapply for a license after its denial, revocation or suspension by the Department:

- (a) Until he has taken an action which removes the ground for the denial, revocation or suspension; or
- (b) Within 1 year after the denial, revocation or suspension,

↳ whichever occurs first.

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.

[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. 1-10-85; 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)

NAC 445B.464 Test station: Hearing concerning denial, suspension or revocation of license. (NRS 445B.785)

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.

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.

3. Failure of the applicant or licensee to petition the Director in writing for a hearing within the 30-day period constitutes an automatic denial of the application or suspension or revocation of the license of the test station.

4. Within 10 days after the hearing, the Director or his authorized representative will:

- (a) Grant or finally deny the application; or
- (b) Suspend or revoke the license.

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.

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[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)

NAC 445B.465 Authorized station or authorized inspection station: Requirements for bond or deposit. (NRS 445B.210, 445B.770, 445B.785)

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:

(a) Cash;

(b) A bond issued by the United States; or

(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 chapters 445A, 445B and 598 of NRS or NAC 445B.400 to 445B.735, inclusive.

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.

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 chapters 445A, 445B and 598 of NRS and NAC 445B.400 to 445B.735, inclusive, by any approved inspector or employed agent for or on behalf of the authorized station or authorized inspection station.

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 chapters 445A, 445B and 598 of NRS and NAC 445B.400 to 445B.735, inclusive, may bring an action on the bond.

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.

[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)

NAC 445B.466 Authorized station or authorized inspection station: Liability under bond or deposit; suspension and reinstatement of licenses. (NRS 445B.210, 445B.770, 445B.785)

1. Liability under a bond which is filed or a deposit which is made with the Department pursuant to NAC 445B.465 will be in an amount prescribed by the Department.

2. The license of an authorized station or authorized inspection station is automatically suspended if:

(a) The amount of the bond filed or the deposit made is reduced below the amount required by the Department pursuant to NAC 445B.465; or

(b) There is an outstanding judgment for which the authorized station or authorized inspection station is liable under the bond or deposit.

3. A license which is suspended pursuant to subsection 2 will be reinstated if the authorized station or authorized inspection station:

(a) Files an additional bond pursuant to subsection 1 of NAC 445B.465;

(b) Restores the deposit to its original amount; or

(c) Satisfies the outstanding judgment for which it is liable.

(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)

NAC 445B.467 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 NAC 445B.465 may be:

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.

2. Released by the Director upon the receipt by the Department of a statement:

(a) Signed by a person under whose name the bond or deposit is made;

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- (b) Acknowledged before any person authorized to take such acknowledgments in this State;
- (c) Requesting that the Director release the bond or deposit, or a specified portion thereof; and
- (d) Explaining the purpose for which the release of the bond or deposit is requested.

3. Refunded by the Director:

- (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
 - (b) Pursuant to the order of a court of competent jurisdiction.
- (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)

NAC 445B.468 Authorized stations and authorized inspection stations: Scope of coverage of bond or deposit. (NRS 445B.785)

1. Except as otherwise provided in subsection 2, a bond which is filed or a deposit which is made with the Department pursuant to NAC 445B.465 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.

2. Each authorized station or authorized inspection station initially licensed on or after September 1, 2006, and each existing authorized 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 NAC 445B.465.

(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)

NAC 445B.469 Authorized station or authorized inspection station: Posting of signs and placards. (NRS 445B.210, 445B.770, 445B.785, 445B.830)

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:

- (a) Set forth the fee for the emission control test;
- (b) Set forth the fee for each vehicle inspection report number issued; and
- (c) Provide information regarding the program of this State for the inspection and maintenance of motor vehicles.

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.

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.

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.

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)

NAC 445B.470 Test station: Display of licenses; availability of reference information. (NRS 445B.210, 445B.770, 445B.785)

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.

2. Except as otherwise provided in subsection 3:

(a) A test station shall keep the operator's manual for its exhaust gas analyzer readily available to the approved inspector.

(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

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representative of the Department, demonstrate the availability of the reference manual or equivalent information by accessing the manual or information.

(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:

(1) If a telephone or facsimile transmission is not required to access the reference information, by accessing the reference information; and

(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.

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.

[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)

NAC 445B.471 Test station: Advertising; provision by Department of certain informational material for public. (NRS 445B.785)

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.

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.

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.

[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)

NAC 445B.472 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)

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.

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 NAC 445B.480.

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.

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.

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.

[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)

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NAC 445B.473 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:

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)

NAC 445B.474 Test station: Failure to employ approved inspector. (NRS 445B.210, 445B.770, 445B.785)

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:

- (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:

(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:

- (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:

- (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)

NAC 445B.475 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)

NAC 445B.476 Test station: Willful failure to comply with directive; suspension of license; reapplication after revocation of license. (NRS 445B.210, 445B.770, 445B.785)

5/11/07

1. The failure of a licensee to comply with a directive of the Director advising him of his noncompliance with any provision of NAC 445B.400 to 445B.735, 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 NAC 445B.474, 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)

NAC 445B.478 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 NAC 445B.400 to 445B.735, inclusive, a fleet station must meet all the requirements applicable to test stations in general.

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.

[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)

NAC 445B.480 Test station: Requirements concerning business hours. (NRS 445B.785)

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 NAC 445B.478 or unless the motor vehicle is rejected for reasons of safety.

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 NRS 236.015.

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.

(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)