



## States' Biofuels Statutes

### STATE OF NEVADA

*This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).*

*Current through the 2013 Legislative Session of the Nevada General Assembly.*

#### **486A.010. Legislative findings**

The Legislature finds that:

1. The State's environment, particularly the quality of its air, may be improved, especially in metropolitan areas, through the use of alternative fuels and clean vehicles.
2. A very large proportion of air contaminants result from the burning of liquid and gaseous fuels to operate trucks and buses, many of which are operated in fleets. Each fuel can be evaluated as to the air pollution it causes when burned in motor vehicles, and particular models of motor vehicles can be evaluated to assess the amount of contaminants those motor vehicles emit.
3. Fleets operated by state agencies and local governing bodies can reduce air contaminants through the use of cleaner-burning alternative fuels and the acquisition of clean motor vehicles.

**Credits:** Added by Laws 1991, p. 2022. Amended by Laws 2003, c. 83, § 2, eff. July 1, 2003; Laws 2009, c. 464, § 2, eff. July 1, 2009.

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#### **486A.020. Definitions**

As used in NRS 486A.010 to 486A.180, inclusive, unless the context otherwise requires, the words and terms defined in NRS 486A.030 to 486A.130, inclusive, have the meanings ascribed to them in those sections.

**Credits:** Added by Laws 1991, p. 2022. Amended by Laws 2001, c. 481, § 2; Laws 2003, c. 83, § 3, eff. July 1, 2003; Laws 2009, c. 464, § 3, eff. July 1, 2009.

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#### **486A.030. "Alternative fuel" defined**

“Alternative fuel” means any fuel which complies with the standards and requirements for alternative fuel established by the Commission. The term does not include a fuel that is required for use in this State pursuant to a state implementation plan adopted by this State pursuant to 42 U.S.C. § 7410.

**Credits:** Added by Laws 1991, p. 2022. Amended by Laws 2003, c. 83, § 5, eff. Jan. 1, 2007; Laws 2005, c. 144, § 2, eff. Jan. 1, 2007; Laws 2009, c. 464, § 4, eff. July 1, 2009.

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**486A.035. “Clean vehicle” defined**

“Clean vehicle” means any motor vehicle which complies with the specifications for clean vehicles established by the Commission.

**Credits:** Added by Laws 2009, c. 464, § 1, eff. July 1, 2009.

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**486A.050. “Commission” defined**

“Commission” means the State Environmental Commission.

**Credits:** Added by Laws 1991, p. 2022.

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**486A.070. “Department” defined**

“Department” means the State Department of Conservation and Natural Resources.

**Credits:** Added by Laws 1991, p. 2022.

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**486A.080. “Fleet” defined**

“Fleet” means 50 or more motor vehicles which are registered in the same county and which are under the common control of and owned, leased or operated by a state agency or a local governing body. The term does not include long haul trucks for use in interstate transportation or motor vehicles held for lease or rental to the general public.

**Credits:** Added by Laws 1991, p. 2022. Amended by Laws 2009, c. 464, § 5, eff. July 1, 2009.

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**486A.100. “Manufacturer” defined**

“Manufacturer” means a company that makes and sells motor vehicles as its primary business. The term does not include companies that make or sell experimental motor vehicles or motor vehicles that are

prototypes.

**Credits:** Added by Laws 1991, p. 2022.

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**486A.110. “Motor vehicle” defined**

“Motor vehicle” means every vehicle which is self-propelled, but not operated on rails, used upon a highway for the purpose of transporting persons or property. The term does not include:

1. An electric bicycle as defined in NRS 483.067;
2. A farm tractor as defined in NRS 482.035;
3. A moped as defined in NRS 482.069;
4. A motorcycle as defined in NRS 482.070; and
5. A vehicle having a manufacturer’s gross vehicle weight rating of more than 26,000 pounds, unless the vehicle is designed for carrying more than 15 passengers.

**Credits:** Added by Laws 1991, p. 2022. Amended by Laws 2009, c. 109, § 35; Laws 2009, c. 464, § 6, eff. July 1, 2009.

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**486A.120. “Motor vehicle fuel” defined**

“Motor vehicle fuel” has the meaning ascribed to it in NRS 365.060.

**Credits:** Added by Laws 1991, p. 2023.

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**486A.130. “State agency” defined**

“State agency” means an agency, department, division or other entity of the State of Nevada.

**Credits:** Added by Laws 1991, p. 2023.

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**486A.140. Applicability**

The provisions of NRS 486A.010 to 486A.180, inclusive, do not apply to:

1. The owner of a fleet of motor vehicles that operates only in a county whose population is less than 100,000.

2. Any governmental agency exempted by federal statute or regulation.
3. Any person exempted by the Commission.

**Credits:** Added by Laws 1991, p. 2023. Amended by Laws 2001, c. 481, § 3; Laws 2009, c. 464, § 7, eff. July 1, 2009.

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**486A.150. Regulations: Adoption by Commission; content and subject matter**

The Commission shall adopt regulations necessary to carry out the provisions of NRS 486A.010 to 486A.180, inclusive, including, without limitation, regulations concerning:

1. Standards and requirements for alternative fuel. In establishing standards and requirements for alternative fuel, the Commission:
  - (a) Must consider fuels that are recognized by the Environmental Protection Agency and the Department of Energy to improve air quality or reduce harmful air emissions.
  - (b) Shall not discriminate against any product that is petroleum based.
2. Specifications for clean vehicles and motor vehicles that use alternative fuels. To the extent practicable and appropriate, the specifications established by the Commission must be consistent with the specifications established by the Environmental Protection Agency and the Department of Energy for the vehicle category and year of manufacture.
3. The acquisition of clean vehicles and motor vehicles that use alternative fuels by a fleet that is operated in a county whose population is 100,000 or more, including, without limitation, recordkeeping and reporting requirements concerning such vehicles.
4. Standards for levels of emissions from motor vehicles that are converted to use alternative fuels.
5. The establishment of a procedure for approving variances or exemptions to the requirements of NRS 486A.010 to 486A.180, inclusive. The Commission may approve a variance or exemption based upon:
  - (a) A determination by the Commission that compliance with the requirements of NRS 486A.010 to 486A.180, inclusive:
    - (1) Would void or reduce the coverage under a manufacturer's warranty for any vehicle or vehicle component;
    - (2) Would result in financial hardship to the owner or operator of a fleet; or
    - (3) Is impractical because of the lack of availability of clean vehicles, alternative fuel or motor vehicles that use alternative fuel; or

(b) Any other reason which the Commission determines is appropriate.

**Credits:** Added by Laws 1991, p. 2023. Amended by Laws 2001, c. 481, § 4; Laws 2003, c. 83, § 7, eff. July 1, 2003; Laws 2009, c. 464, § 8, eff. July 1, 2009.

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#### **486A.160. Duties of Department: Issue orders; enforce regulations; conduct investigations**

1. The Department shall:

(a) Make such determinations and issue such orders as may be necessary to carry out the provisions of NRS 486A.010 to 486A.180, inclusive;

(b) Enforce the regulations adopted by the Commission pursuant to the provisions of NRS 486A.010 to 486A.180, inclusive; and

(c) Conduct any investigation, research or study necessary to carry out the provisions of NRS 486A.010 to 486A.180, inclusive.

2. Upon request, the Department of Motor Vehicles shall provide to the Department information contained in records of registration of motor vehicles.

**Credits:** Added by Laws 1991, p. 2023. Amended by Laws 2001, c. 481, § 5; Laws 2001, c. 520, § 61; Laws 2009, c. 464, § 9, eff. July 1, 2009.

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#### **486A.170. Inspection of fleets; reports**

1. An authorized representative of the Department may enter and inspect any fleet of motor vehicles that is subject to the requirements of NRS 486A.010 to 486A.180, inclusive, to ascertain compliance with the provisions of NRS 486A.010 to 486A.180, inclusive, and any regulations adopted pursuant thereto.

2. A person who owns or leases a fleet of motor vehicles shall not:

(a) Refuse entry or access to the motor vehicles to any authorized representative of the Department who requests entry for the purpose of inspection as provided in subsection 1.

(b) Obstruct, hamper or interfere with any such inspection.

3. If requested by the owner or lessor of a fleet of motor vehicles, the Department shall prepare a report of an inspection made pursuant to subsection 1 setting forth all facts determined which relate to the owner's or lessor's compliance with the provisions of NRS 486A.010 to 486A.180, inclusive, and any regulations adopted pursuant thereto.

**Credits:** Added by Laws 1991, p. 2023. Amended by Laws 2001, c. 481, § 6; Laws 2009, c. 464, § 10,

eff. July 1, 2009.

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**486A.180. Administrative fines; injunctions and other remedies; unlawful acts; deposit of money collected**

1. Except as otherwise provided in subsection 4, any person who violates any provision of NRS 486A.010 to 486A.180, inclusive, or any regulation adopted pursuant thereto, is guilty of a civil offense and shall pay an administrative fine levied by the Commission of not more than \$5,000. Each day of violation constitutes a separate offense.
2. The Commission shall by regulation establish a schedule of administrative fines of not more than \$1,000 for lesser violations of any provision of NRS 486A.010 to 486A.180, inclusive, or any regulation adopted pursuant thereto.
3. Action pursuant to subsection 1 or 2 is not a bar to enforcement of the provisions of NRS 486A.010 to 486A.180, inclusive, and any regulations adopted pursuant thereto, by injunction or other appropriate remedy. The Commission or the Director of the Department may institute and maintain in the name of the State of Nevada any such enforcement proceeding.
4. A person who fails to pay a fine levied pursuant to subsection 1 or 2 within 30 days after the fine is imposed is guilty of a misdemeanor. The provisions of this subsection do not apply to a person found by the court to be indigent.
5. The Commission and the Department shall deposit all money collected pursuant to this section in the State General Fund. Money deposited in the State General Fund pursuant to this subsection must be accounted for separately and may only be expended upon legislative appropriation.

**Credits:** Added by Laws 1991, p. 2024. Amended by Laws 2001, c. 481, § 7; Laws 2003, c. 83, § 8, eff. July 1, 2003; Laws 2009, c. 464, § 11, eff. July 1, 2009.