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Inspectors

NAC 445B.485 Prerequisites to licensing. (NRS 445B.210, 445B.770, 445B.785)

1. The Department will not license a person as a class 1 approved inspector unless he has demonstrated his qualifications and ability to test motor vehicles to its satisfaction by:

- (a) Submitting an application, on a form provided by the Department;
- (b) Submitting a certificate of competence issued by the manufacturer of an exhaust gas analyzer approved by the Department, indicating his ability to adjust and operate the equipment required to obtain the rating or ratings for which he is applying pursuant to NAC 445B.498, or by demonstrating to the Department his ability to adjust and operate such equipment; and

(c) Successfully:

(1) Completing a training course or courses for a license as a class 1 approved inspector which was conducted or approved by the Department, or equivalent training approved by the Department, for the particular rating or ratings for which he is applying;

(2) Completing a written test for a license as a class 1 approved inspector which was prepared by the Department for the particular rating or ratings for which the person is applying with a score of at least 80 percent; and

(3) Performing a practical demonstration of the procedures for testing prescribed by the Department.

2. The Department will not license a person as a class 2 approved inspector unless he has demonstrated his qualifications and ability to test motor vehicles and to diagnose, repair and service devices for the control of exhaust

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emissions to its satisfaction by submitting an application, on a form provided by the Department, which establishes that he has, within the last 12 months, satisfied the requirements set forth in paragraphs (b) and (c) of subsection 1 for a license as a class 1 approved inspector for the particular rating or ratings for which the person is applying and:

(a) Successfully completed a written test for a license as a class 2 approved inspector which was administered by the Department for the particular rating or ratings for which the person is applying with a score of at least 80 percent; or

(b) Submitted current certification from the National Institute for Automotive Service Excellence as an advanced engine performance specialist. The certification must remain valid throughout the applicant's 24-month period of licensure as a class 2 approved inspector.

3. The Department will investigate each applicant to determine his fitness.

[Environmental Comm'n, Engine Emission Control Reg. §§ 3.12.1-3.12.1.4, eff. 1-10-78; A 12-20-79; § 3.12.2, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-23-87, eff. 7-1-88; A by Dep't of Motor Veh. & Pub. Safety, 11-10-92; 8-19-94; 9-13-95; A by Dep't of Motor Veh. by R066-05, 2-23-2006)

NAC 445B.486 Examination of applicants for licensing. (NRS 445B.210, 445B.770, 445B.785)

1. The Department will establish written tests for the licensing and rating of class 1 approved inspectors and class 2 approved inspectors.

2. An applicant taking such a test must show that he has completed the course, courses or equivalent training required pursuant to NAC 445B.485 for the rating or ratings for which he is applying.

3. An applicant who fails to pass the written test or practical demonstration required for a license as a class 1 approved inspector must wait 7 calendar days before he may retake the test or demonstration.

4. If an applicant fails two or more consecutive written tests or practical demonstrations required for a license as a class 1 approved inspector, he must, before he may retake the test or demonstration, submit proof to the Department that he has, after failing the tests or demonstrations, successfully completed an additional training course which is conducted or approved by the Department.

5. If an applicant fails to pass the written test required for a license as a class 2 approved inspector, he must, before he may retake the test, submit proof to the Department that he has, after failing the test, completed a training course regarding the diagnosis, repair and servicing of devices for the control of exhaust emissions which was conducted or approved by the Department for the rating or ratings for which he is applying.

[Dep't of Motor Veh., Engine Emission Control Reg. § 3.12.1.5, eff. 8-16-78; + § 4.3.5, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85, eff. 7-1-86; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; A by Dep't of Motor Veh. by R066-05, 2-23-2006)

NAC 445B.487 Denial of license. (NRS 445B.785)

1. The Department may refuse to issue a license to an applicant who fails to pass the examination required for that license pursuant to NAC 445B.485.

2. The Department may refuse to issue a license to an applicant who fails to provide satisfactory evidence of his ability and competence.

[Dep't of Motor Veh., Engine Emission Control Reg. §§ 4.12.1 & 4.12.2, eff. 1-10-78]—(NAC A 9-13-95)

NAC 445B.489 Grounds for denial, suspension or revocation of license. (NRS 445B.210, 445B.770, 445B.785, 445B.790) The Department may deny the issuance of, suspend or revoke the license of an approved inspector if:

1. The approved inspector fails to establish by satisfactory evidence to the Department that he is employed by a test station with an appropriate rating.

2. The approved inspector has knowingly made any false statement or concealed any material fact on his application for a license.

3. The approved inspector knowingly submits false, inaccurate or misleading information on evidence of compliance or any other records submitted to the Department.

4. The approved inspector fails to report in writing to the Department every change in his place of employment or any termination of his employment within 10 days after the date of the change or termination.

5. The approved inspector does not follow the procedures for testing prescribed by the Department.

6. The approved inspector allows evidence of compliance to be completed or issued by a person who is not an approved inspector.

7. The approved inspector allows another person to perform emissions tests by using the identification number assigned to the approved inspector.

8. The approved inspector submits to the Department falsified credentials or certifications of training.

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9. The approved inspector makes an inaccurate determination regarding a classification of a motor vehicle.
10. The approved inspector fails to comply with any provision of NAC 445B.400 to 445B.735, inclusive.
11. The Department determines that an applicant or approved inspector is not lawfully entitled to a license.
12. The approved inspector is convicted for violating the provisions of chapter 598 of NRS relating to deceptive trade practices.
13. The approved inspector is unable to demonstrate proficiency in the verbal and written expression of the English language.

[Dep't of Motor Veh., Engine Emission Control Reg. §§ 4.13.1-4.13.1.5, eff. 1-10-78; A 12-20-79; §§ 4.13.1.6-4.13.1.10, eff. 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, 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 R199-01, 7-17-2003; R066-05, 2-23-2006)

NAC 445B.490 Hearing on suspension or revocation of license. (NRS 445B.785)

1. The approved inspector may, within 30 days after receipt of the notice of suspension or revocation, petition the Director, in writing, for a hearing which will be conducted by the Director or his authorized representative.
2. Failure of the approved inspector to petition the Director in writing for a hearing within the 30-day period constitutes an automatic suspension or revocation of the license.
3. Upon filing the petition, a date for hearing will be fixed not later than 20 days after receipt of the request for a hearing, and the approved inspector is entitled to be present at the hearing, to testify in his own behalf and to have such other persons as he desires to be present to testify at the hearing.
4. Within 10 days after the hearing, the Director or his authorized representative will make written findings of fact and conclusions of law and may, without limitation, suspend or revoke the license.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.14.1, eff. 1-10-78; A 12-20-79; § 4.14.2, eff. 1-10-78; § 4.14.2.1, eff. 12-20-79; § 4.14.3, eff. 1-10-78; A 12-20-79]—(A by R066-05, 2-23-2006)

NAC 445B.491 Temporary suspension or refusal to renew license. (NRS 445B.785)

1. Notwithstanding the provisions of NAC 445B.490, the Department may, if the Director of the Department finds that the action is necessary in the public interest, upon notice to the approved inspector temporarily suspend or refuse to renew the license for a period not to exceed 30 days.
2. In any such case, a hearing will be held and a final decision rendered within 30 days after notice of the temporary suspension.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.14.4, eff. 1-10-78]—(Substituted in revision for NAC 445.911)

NAC 445B.492 Duration of suspension; surrender of license. (NRS 445B.785) When an approved inspector's license has been suspended for cause, the suspension will not exceed 90 days. The approved inspector's license must be surrendered to the Department.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.13.2, eff. 1-10-78; A 12-20-79]—(Substituted in revision for NAC 445.912)

NAC 445B.493 Limitation on reapplication after revocation or denial of license; surrender of revoked license; permanent revocation of license. (NRS 445B.210, 445B.770, 445B.785)

1. Except as otherwise provided in subsection 3, if an approved inspector's license has been revoked for cause, the person may not reapply for an approved inspector's license for 1 year after the date of revocation.
2. The approved inspector's license which has been revoked must be surrendered to the Department.
3. The Department will permanently revoke the license of an approved inspector who willfully or negligently:
 - (a) Issues or assists in the issuance of evidence of compliance which contains fraudulent information.
 - (b) Conspires or causes to be produced evidence of compliance which contains fraudulent information.
4. An applicant for an approved inspector's license who has been denied a license may not reapply for a license after denial:
 - (a) Until he has taken an action which removes the ground for the denial; or
 - (b) Within 1 year after the denial,
 ↪ whichever first occurs.

5. If the Department determines that an approved inspector engages in egregious conduct or conduct that poses a serious risk to the public safety, the Department may, in its discretion, permanently revoke the license of the approved inspector.

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6. As used in this section:

(a) "Egregious conduct" includes, without limitation, using a motor vehicle that meets the standards for emission control for the purpose of fraudulently issuing a certificate of compliance for another motor vehicle that does not meet such standards.

(b) "Fraudulent information" includes, without limitation:

- (1) A backdated document;
- (2) A postdated document;
- (3) A document based on anything other than the actual physical inspection of the vehicle for which the evidence of compliance was issued; or
- (4) A certificate of compliance issued by a person wrongfully utilizing the identification number or access code of an approved inspector.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.13.3, 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. by R066-05, 2-23-2006)

NAC 445B.495 Contents of license. (NRS 445B.210, 445B.770, 445B.785) A license issued by the Department to an approved inspector must contain:

1. The inspector's name;
2. The identification number assigned to the inspector;
3. The name of the test station employing the inspector;
4. A photograph of the inspector;
5. The inspector's signature; and
6. Such other information as the Department may require.

(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, eff. 9-13-95)

NAC 445B.496 Expiration of license. (NRS 445B.210, 445B.770, 445B.785) An inspector's license expires at midnight on a date specified by the Department. The expiration date must be indicated on the inspector's license.

(Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88)—
(Substituted in revision for NAC 445.9134)

NAC 445B.497 Requirements for renewal of license. (NRS 445B.210, 445B.770, 445B.785)

1. If an approved inspector wishes to renew his license, he must, within the 3 months before its expiration and before it is reissued, successfully:

(a) Complete a course for the renewal of his license which is approved or developed and conducted by the Department for the particular class and rating or ratings the approved inspector is attempting to renew; and

(b) Complete a written test, with a score of at least 80 percent, which is approved or prepared by the Department for the particular class and rating or ratings the approved inspector is attempting to renew. Before the holder of a license as a class 2 approved inspector may take a test for the renewal of that class of license, he must submit to the Department proof that he has, after the initial issuance or last renewal of his license, whichever occurred last, successfully completed a course that includes updates on the latest technology available regarding the diagnosis, repair and servicing of devices for the control of exhaust emissions which was conducted or approved by the Department for the rating or ratings the approved inspector is attempting to renew.

2. An approved inspector who fails to attain a score of 80 percent on the written examination required by subsection 1 for the renewal of a license as:

(a) A class 1 approved inspector may not take the examination again within 7 calendar days after the date of the first examination. If an approved inspector fails two or more consecutive written examinations for the renewal of a license as a class 1 approved inspector, he must submit proof to the Department that he has, after failing the examinations, successfully completed an additional course conducted or approved by the Department before he may retake the examination.

(b) A class 2 approved inspector must, before he may retake the examination, submit proof to the Department that he has, after his failure of that examination, successfully completed a course regarding diagnosis, repair and servicing of devices for the control of exhaust emissions which was conducted or approved by the Department for the rating or ratings the approved inspector is attempting to renew.

3. If the license of an approved inspector remains inactive, revoked or in expired status for 1 year or longer, the approved inspector shall be deemed to be a new applicant and must again comply with all applicable requirements concerning training and examinations.

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(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, 12-28-89; 8-19-94; 9-13-95; A by Dep't of Motor Veh. by R066-05, 2-23-2006)

NAC 445B.498 Performance of emission inspection without license prohibited; expiration of license; license ratings. (NRS 445B.785)

1. A person shall not perform any emission inspection for the purpose of issuing evidence of compliance unless he is currently licensed by the Department as an approved inspector.

2. Each license issued to an approved inspector expires 24 months after the date on which the license is issued.

3. Each approved inspector must have one or both of the following license ratings:

(a) A "G" rating to perform certified on-board diagnostic system and two-speed emissions inspections on gasoline-powered motor vehicles using the procedures set forth in NAC 445B.580.

(b) A "D" rating to perform light-duty diesel emissions inspections using the procedures set forth in NAC 445B.589.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 8-19-94; A 9-13-95; R079-98, 9-25-98; A by Dep't of Motor Veh. by R066-05, 2-23-2006)

NAC 445B.4983 Issuance of access code to approved inspector; use of access code and identification number. (NRS 445B.785)

1. In addition to the identification number assigned to each approved inspector, the Department will issue to each approved inspector a unique and confidential access code. The access code will enable the approved inspector to activate, access and input data into the exhaust gas analyzer located at the test station where he is employed.

2. An approved inspector, including, without limitation, the operator of a test station, shall not willfully or negligently allow any person to use his identification number or access code to:

(a) Activate, access or input data into the exhaust gas analyzer; or

(b) Issue a certificate of compliance.

(Added to NAC by Dep't of Motor Veh. by R066-05, eff. 2-23-2006)

NAC 445B.4985 Violations. (NRS 445B.785) The owner of the test station will be held responsible for any act or omission of an approved inspector or any other employee employed at any test station owned by the owner which is committed while the inspector or other employee is acting within the scope of his employment, and which would constitute a violation of this chapter or chapter 445B of NRS if:

1. The act or omission is a second or subsequent violation of a specific section of this chapter or chapter 445B of NRS that was committed by the same inspector or other employee while employed at any test station owned by the owner; and

2. The owner of the test station received notice from the Department of the first offense previously committed by the approved inspector or other employee.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R079-98, eff. 9-25-98; A by Dep't of Motor Veh. by R199-01, 7-17-2003)

NAC 445B.499 Fees. (NRS 445B.210, 445B.770, 445B.785)

1. The fee for the initial issuance and biennial renewal of an inspector's license is \$25.

2. If an inspector who is employed by a test station and has paid the fee required by subsection 1 wishes to be licensed at one or more additional locations of that test station, the fee for the issuance and biennial renewal of an inspector's license for each additional location is \$10.

3. The fee for the transfer of an inspector's license is \$10.

(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; A by Dep't of Motor Veh. by R199-01, 7-17-2003)

NAC 445B.501 Report of change in place of employment or termination of employment. (NRS 445B.210, 445B.770) Every inspector approved by the Department shall report in writing to the Department every change in his place of employment and any termination of his employment within 10 days after the date when the change or termination occurred.

[Environmental Comm'n, Engine Emission Control Reg. § 3.12.1.6, eff. 12-20-79]—(Substituted in revision for NAC 445.914)

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NAC 445B.502 Submission of certificate of employment to report change. (NRS 445B.210, 445B.770, 445B.785) If an approved inspector changes his place of employment, he shall submit to the Department a certificate of employment indicating that he is reemployed by a test station.

(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, 9-13-95)