PROPOSED REGULATION OF THE
STATE SEALER OF MEASUREMENT STANDARDS

LCB File No. R027-21

October 1, 2021

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

AUTHORITY: § 1, section 4 of Senate Bill No. 400, chapter 217, Statutes of Nevada 2021, at page 1012.

A REGULATION relating to petroleum products; establishing a schedule of civil penalties for certain violations of the Nevada Petroleum Products Inspection Act; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:
Existing law requires the State Sealer of Measurement Standards of the State Department of Agriculture to adopt regulations establishing a schedule of civil penalties for certain violations of the Nevada Petroleum Products Inspection Act. (Section 4 of Senate Bill No. 400, chapter 217, Statutes of Nevada 2021, at page 1012) This regulation: (1) sets forth such a schedule of civil penalties; and (2) provides for the issuance of a warning if the Division of Measurement Standards of the Department determines that a first offense was unintentional.

Section 1. Chapter 590 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A person who violates any of the provisions of NRS 590.010 to 590.150, inclusive, shall be subject to the following civil penalties:

   (a) Except as otherwise provided in subsection 2, for a first offense, not less than $25 and not more than $100.

   (b) For a second offense, not less than $50 and not more than $500.

   (c) For a third or subsequent offense, not less than $100 and not more than $1,000.
2. If the Division of Measurement Standards of the State Department of Agriculture determines that a first offense was unintentional, the Division shall issue a notice of warning to the person without imposing a civil penalty pursuant to subsection 1 if the person takes action to remedy the violation. The notice of warning must be in writing and set forth:

(a) The statute that was violated;

(b) The action necessary to remedy the violation; and

(c) The date by which the person must take action to remedy the violation before a civil penalty will be imposed. The failure of a person to take action by the prescribed date constitutes a second offense subject to a civil penalty set forth in subsection 1.