

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R003-12**

The Nevada Department of Public Safety – Highway Patrol Division adopted regulations assigned LCB File No.R003-12 which pertain to chapter 459.977, 706.247 and 706.297 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

- 1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Public Comment was solicited through a posted Notice for a Public Workshop on March 1, 2012. In addition, public comment was solicited during the actual hearing on March 29, 2012. The Notice of Public Hearing and the proposed amendments to NAC 459.977, 706.246 and 706.297 were posted on February 2, 2012 to all County Libraries, The State of Nevada Library, The Department of Public Safety-Highway Patrol Division offices in Carson City, Reno and Elko, The Department of Motor Vehicle, The Nevada Transportation Authority, The Nevada Motor Carrier Transport Association (NMTA) and the Associated General Contractors. The Public Hearing was held at the Nevada Highway Patrol Offices in Reno and Las Vegas via teleconference.

- 2. The number of persons who:**

- (a) Attended the public hearing:**

**Lieutenant Bill Bainter
John Amestoy
Lieutenant James Oschlager
Trooper Elmer Johnson**

- (b) Testified at the Public Hearing:**

No one.

The Public Hearing was held on March 29, 2012. There were no questions, comments, opposition or discussion concerning the regulations.

- (c) Submitted written comments:**

No one

3. A description of how comment was solicited from businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

During the Public Hearing, Lieutenant Bainter stated that the primary purpose for the adoption was to do re-adopt the Federal Regulations as written on the effective date of this regulation. The previous adoption was August 1, 2009. Lt. Bainter further stated that after discussing the CFR adoption process with the LCB Attorney Bruce Danes, additional changes were made in 459.977 to include revised regulations by the Federal Motor Carrier Safety Administration. There were no questions, comments, opposition or discussions concerning the regulations.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

Please refer to question number three. There were no questions, comments, oppositions or discussions concerning the regulations.

5. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:
 - (a) Both adverse and beneficial effects; and

The proposed amendments are expected to have an immediate benefit on the safety of the regulated industry and the motoring public in ensuring the safe and uneventful transportation of commercial motor vehicles. The Department does not foresee any adverse effects.

- (b) Both immediate and long-term effects.

Immediate and long-term effects include the ease of understanding the rules and their relationship to statute and vehicle/driver safety.

6. The estimated cost to the agency for enforcement of the adopted regulation:

The Agency does not envision any increased costs associated with enforcement of the proposed amendments, which primarily update references to federal provisions and harmonizes the language between NRS 459.977, 706.246 and 706.297.

7. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other State or government agency regulations that the proposed amendments duplicate.

8. **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The Agency does not believe that the proposed amendments are more stringent than Federal regulations.

9. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The proposed regulation does not provide or involve a new fee.

10. **Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

The re-adoption of the Federal Motor Carrier Regulations will not have an economic burden on small business. The Federal Regulations, as written today, contains no significant changes that will impact small business.