

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON TRANSPORTATION

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
March 3, 1981

The Senate Committee on Transportation was called to order by Chairman Richard E. Blakemore, at 2:00 p.m., on Tuesday, March 3, 1981, in Room 323 of the Legislative Building, in Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Richard E. Blakemore, Chairman
Senator William Hernstadt, Vice Chairman
Senator Joe Neal
Senator Lawrence E. Jacobsen
Senator Wilbur Faiss
Senator Clifford E. McCorkle
Senator James H. Bilbray

GUEST LEGISLATOR:

Senator Sue Wagner

STAFF MEMBER PRESENT:

Kelly R. Torvik, Committee Secretary

ASSEMBLY BILL NO. 43 AND SENATE BILL NO. 7

Mr. Roy Nickson, Director, Department of Taxation, stated that the bill is sponsored by the Nevada Tax Commission and that it provides for the agents of the Department of Motor Vehicles to collect the use tax in the branch offices of Reno and Las Vegas. Mr. Nickson explained that current statutes require the Department of Motor Vehicles to provide space for a Department of Taxation representative in the branch offices. He stated that this is a part-time job for two employees and that it is almost impossible to assign them additional work. Mr. Nickson said that he had spoke with Mr. Barton Jacka, Director, Department of Motor Vehicles, and that Mr. Jacka stated that he could absorb the additional work load. This would permit a savings to the Department of Taxation of two grade 27 employees.

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Mr. Hale Bennett from the Department of Motor Vehicles stated that he does not support Assembly Bill No. 43 as printed in the first reprint. He explained that the first reprint states that the Department of Motor Vehicles will have to collect the use tax wherever it has a branch office. The department would prefer to have a population limitation. Wherever the department has the capability to register vehicles it would collect the use tax.

Senator Bilbray asked how this proposed change could take place in the original bill. Mr. Bennett suggested changing the 100,000 population figure in the original bill to 30,000. He stated that this would reconcile Senate Bill No. 7 and Assembly Bill No. 43.

Chairman Blakemore asked Mr. Nickson if he agreed with Mr. Bennett's proposal. Mr. Nickson stated that he had no problems with Mr. Bennett's proposal. Chairman Blakemore asked Mr. Nickson and Mr. Bennett to meet and draw up amendments to submit to the committee. They stated that they would meet and draw up amendments to submit to the committee.

Mr. Homer Rodriguez, Carson City Assessor, stated that his department would be most affected by the bill. Chairman Blakemore asked Mr. Rodriguez if he would meet with Mr. Nickson and Mr. Bennett to draw up amendments to Assembly Bill No. 43. Mr. Rodriguez stated that he would.

SENATE BILL NO. 157

Mr. Garth Dull, Department of Transportation, stated that the purpose of the bill is to effectively give the department better bidding posture on roadway contracts by changing the retent to allow for payment of the full contract price up to 95 percent of the contract with a maximum of \$50,000. He stated that the proposal had been requested by contractors to give them better cash flow opportunities.

Chairman Blakemore stated that the bill also allows the department to accept bids at offices other than the one in Carson City. Mr. Dull explained that the reason for the allowance is to reduce travel time and costs for contractors to attend bid openings.

Mr. Dull explained that the reduction in the amount of retent could save the department up to three percent in roadway contracts because of the requirement for cash flow is reduced for contractors.

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Mr. Dull felt that the pre-qualification is redundant since the contractor must be approved by a bonding agency before his contract may be considered.

Senator Jacobsen asked if bidding material would be available to the contractor at the office that is accepting the bids. Mr. Dull stated that the bidding material would be available at the local district office.

Senator McCorkle asked Mr. Dull if the department is subject to any of the public works statutes that would allow partial payments for retention. Mr. Dull stated that the department has its own statutes with regard to retention. Senator McCorkle explained that there are proposed changes to the public works statutes. One of these proposed changes requires the public works to pay the contractors interest in any retained monies. Mr. Dull stated that interest is currently paid to the contractors on their monies which have been retained by the department.

Senator Neal asked what is the history on retaining five percent of the contractors' money. Mr. Dull stated that the purpose of retention is to insure that the contract will be completed satisfactorily. He said that past history has shown little trouble with uncompleted projects.

Chairman Blakemore stated that passage of the bill would allow contractors to bid lower because the contractor would no longer have the cash flow problems. He also stated that this is a common practice in California.

SENATE BILL NO. 160

Mr. Noel Clark, Director, Department of Energy, stated that he had a personal interest in the bill. He stated that there is a program on the national level to deregulate all of the contract carriers throughout the United States. He felt that this would not be a good program for Nevada. Mr. Clark supported the bill in concept and suggested a few changes. He believed the six month term as set forth in the bill is too short. He believed the language should read, "in the event no activity is conducted under the certificate of public convenience on the subject for twelve consecutive months that the commission should immediately notice the carrier and set it for hearing." He felt that such language would foreclose any possibility of the commission being affected by a revocation. Mr. Clark stated that since the certificate is issued with a hearing that it should be

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revoked in the same manner. Mr. Clark pointed out that carriers may hold on to certificates in the future because of the possibility of the MX system coming to the state.

Chairman Blakemore pointed out that a carrier could haul one small load during the term of the certificate and still be in compliance with the certificate. Mr. Clark believed that an honest effort to conduct a motor carrier service should be required.

Senator Jacobsen asked what is required of the motor carrier to qualify for a certificate of public convenience. Mr. Clark stated that the carrier must prove that it is equipped, willing and able to supply the service. The Public Service Commission makes that determination.

Senator Bilbray asked if passage of the bill would allow more motor carriers to qualify for a certificate. Mr. Clark did not believe that the bill would simplify the qualification process.

Chairman Blakemore explained that in essence the passage of Senate Bill No. 160 would simplify the qualification process.

Mr. Heber Hardy, Commissioner, Public Service Commission, understood the reasoning behind the bill but felt that the bill was unworkable as written because of the difficulty in determining if a carrier has used his certificate within six months. He recommended possible new language for the bill. (See Exhibit C). Mr. Hardy stated that the commission has instructed the staff to review annual reports and if the reports show no activity the staff is required to place the carrier on notice for a hearing to show cause why the certificate should not be revoked for failure to provide the specified service. Mr. Hardy also noted that field representatives will confront carriers and ask them if they would prefer to cancel the certificate to relieve the carrier of any obligation to the Public Service Commission or the public.

Chairman Blakemore pointed out that the carrier views the certificate as property and feels that he can sell it. Mr. Hardy stated that the commission does not allow a price to be put on the certificate itself. Mr. Hardy supplied the committee with information regarding revoked and cancelled certificates. (See Exhibit D). Mr. Hardy pointed out that there could be a valid reason for a carrier not servicing the public and therefore a hearing would be appropriate.

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Senator Jacobsen asked if there is any certificate which has a monetary value. Mr. Hardy explained that the commission does not charge for the certificate itself. The commission does charge an application fee of \$200 and in some case a substantial sum of money is spent by the carrier to acquire the certificate. These costs are allowed to be written up as assets in the rate making process.

Senator Jacobsen asked if it would advantageous to apply a price to the certificate itself in the form of a yearly renewal in order to sway carriers to cancel the certificates because of the cost. Mr. Hardy felt that yearly renewal fees could become a burden to the small carriers.

Mr. Daryl Capurro, Nevada Motor Transport Association, appeared in opposition to Senate Bill No. 160. He did support Mr. Clark's proposed changes to the bill. Mr. Capurro felt that the carrier has the right to a hearing before revocation of his certificate. He stated that a six month term would be unworkable because of seasonal events. The annual report proposal as suggested by Mr. Hardy would not solve the problem because the annual report does not designate which certificates have been used during the term. Mr. Capurro pointed out that federally it is being considered to allow the carrier to consider certificates and authorities as having value. This is being considered because the carrier is having his rates regulated in turn for the authority. Mr. Capurro believed that the commission is currently allowing 95 percent of the applications for certificates. Mr. Capurro stated that the current statutes in regard to carrier rate regulation are antiquated and do not respond to the fluctuations in inflation. He said that there will be massive failures in the motor carrier field unless Nevada law is amended to allow for quicker consideration of rate relief. Mr. Capurro asked the committee to consider amending the bill to remedy such problems facing the motor carrier.

Senator Bilbray pointed out that the bill would allow the carrier to request a hearing rather than an automatic hearing being set because a hearing may not be necessary. Mr. Capurro felt that since the commission issued the certificate by a hearing that it should be revoked in the same manner. Mr. Capurro also pointed out that there are situations where the carrier is fit, willing and able to provide the service but there is no request for the service.

Senator Bilbray asked how many certificate holders there are within the state. Mr. Capurro guessed that there are 250 individual certificate holders.

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Mr. Al Vineze felt that the bill is unenforceable as written. He stated that the certificates do have value because of the large costs incurred in application for the certificates. The certificates are also for sale, rent and lease among the carriers. Mr. Vineze did not feel that six months is adequate time for carriers to provide service.

Senator Jacobsen asked if a certificate expires automatically when a carrier goes out of business. Mr. Vineze stated that it should expire automatically when a carrier goes out of business.

SENATE BILL NO. 216 (See Exhibit H)

Senator Wagner explained that Senate Bill No. 216 is an effort to provide recognition to prisoners of war in Nevada by allowing the prisoners of war to apply for special license plates. She stated that this legislation does not affect those people who qualify as disabled veterans. Senator Wagner supplied the committee with information regarding the issuance of prisoner of war license plates in other states. (See Exhibit E). She pointed out that some plates read prisoner of war while others read ex-prisoner of war.

Mr. Hale Bennett explained that the cost of the dyes used to produce the plates would be a one time cost of \$1,000. He stated that the department would have no problems with the passage of the bill. He stated that if all prisoners of war in the state received plates it would be an approximate total of 100 plates.

Senator Bilbray felt that ex-prisoner of war would be more appropriate than prisoner of war as provided in the bill. Senator Wagner stated that she has no opinion on that and suggested that the committee ask the prisoners of war which title they would prefer.

Senator Wagner pointed out that the special license plates would carry the same fee as regular license plates. Senator Bilbray felt that the special license plates should be given to the prisoners of war at no cost. Senator Wagner pointed out that if the prisoners of war were allowed license plates at no cost then all other categories of special license plates would have to be considered for free license plates. Chairman Blakemore pointed out that the prisoners of war are asking for recognition not free license plates.

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Senator Jacobsen asked how the prisoners of war who do not own a car can be recognized. Senator Wagner explained that the request for special license plates is a nationwide movement for recognition of the prisoners of war. She stated that the prisoners of war chose this method of recognition.

Senator Bilbray felt that special license plates should be free because of the tremendous amount of suffering the prisoners of war were subject to. Mr. Bennett pointed out that most of the prisoners of war qualify for a veteran's exemption and will only be required to pay the registration fee. He also noted that automobiles with special license plates have parking exemptions.

Senator Jacobsen asked if the inmates of the Nevada State Prison could make the dyes for the production of the special license plates. Mr. Bennett stated that they did not know anyone who was capable of making the dyes. Also, they do not have the equipment available to produce the dyes.

Mr. Ray Crosby, Chairman, Nevada State Veterans Advisory Commission stated that the commission supports the passage of Senate Bill No. 216.

Mr. Herman Molen, Past National Commander, Ex-Prisoners of War, stated that the special license plates are very important to the ex-prisoners of war. He introduced Mr. Orin Miller and Mr. Martin Reidy both of whom are ex-prisoners of war. Mr. Molen submitted a statement to the committee from the Council of Nevada Veterans Organizations. (See Exhibit F). He stated that the ex-prisoners of war are willing to pay the regular price for the license plates.

Senator Wagner asked Mr. Molen what title he would prefer on the license plates. Mr. Molen stated that he would prefer Ex-Prisoner of War.

Mr. Dana Greenleaf, representing the Disabled Veterans Legislation of Nevada, went on record in support of the bill.

Mr. Charles Buchanan, ex-prisoner of war, expressed his appreciation to the committee for considering the legislation.

Senator Neal moved that that Senate Bill No. 216 received a do pass recommendation with an amendment to provide that the license plate read "ex-prisoner of war."

Senator Jacobsen seconded the motion.

The motion passed unanimously.

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SENATE BILL NO. 53 (See Exhibit I)

Chairman Blakemore asked Senator Jacobsen if the amendments to the bill were correct. Senator Jacobsen stated that the amendments were correct.

Senator Neal moved that the bill receive an amend and do pass recommendation.

Senator Faiss seconded the motion.

The motion passed unanimously.

SENATE BILL NO. 54 (See Exhibit J)

Chairman Blakemore stated that the opposition and the proposition had reached an agreement for an amendment to the bill.

Senator Neal moved for reconsideration of Senate Bill No. 54.

Senator Faiss seconded the motion.

The motion passed unanimously.

SENATE BILL NO. 83

The committee agreed that some form of Senate Bill No. 83 should be passed out of the committee with the proper amendments. Chairman Blakemore appointed Senator Bilbray, Senator Jacobsen and Senator McCorkle as a subcommittee to draw up amendments to the bill.

SENATE BILL NO. 160

Chairman Blakemore stated that there are some proposed amendments to the bill and asked that the committee wait until those amendments are drawn up before taking action on the bill. There were no objections.

SENATE BILL NO. 157 (See Exhibit K)

Senator Jacobsen moved that Senate Bill No. 157 receive a do pass recommendation.

Senator McCorkle seconded the motion.

The motion passed (Senator Hernstadt abstained).

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ASSEMBLY BILL NO. 43 AND SENATE BILL NO. 7

The Chairman suggested that the two bills be held until suggestions from Mr. Nickson, Mr. Bennett and Mr. Rodriguez were submitted to the committee.

SENATE BILL NO. 54

Chairman Blakemore asked Mr. Dull and Mr. Capurro if they concurred with the proposed amendment to the bill. (See Exhibit G). The two men stated that they did agree with the amendment.

Mr. Capurro explained that the five extra years would be amended to the bill to allow for long term contracts and contractors who presently own the narrow trucks.

Senator Bilbray asked if the narrow trucks are allowed fully loaded on the federal highways. Mr. Dull stated that the narrow trucks are not allowed on the interstate system if they are fully loaded.

Senator Hernstadt asked Mr. Capurro to assure him that the narrow trucks would not do extensive damage to the highways when they are fully loaded. Mr. Capurro stated that he could not give that guarantee but he explained that the narrow trucks were allowed on the roads for 40 years. He stated that any vehicles is going to damage the roadways. Mr. Dull stated that technically the narrow truck, fully loaded, will damage the roadways. He stated that the financial impact on the contractors justified that passage of the bill. Senator Jacobsen pointed out that the narrow trucks are mainly used for the construction of highways and not in a high mileage business.

Senator Faiss moved that the bill receive an amend and do pass recommendation.

Senator Jacobsen seconded the motion.

The motion passed unanimously.

There being no further business, the meeting adjourned at 3:30 p.m.

Respectfully submitted by:


Kelly R. Torvik

APPROVED:


Senator Richard E. Blakemore

Date: 3/5, 1981 326

SENATE AGENDA

EXHIBIT A

COMMITTEE MEETINGS

Committee on Transportation, Room 323.

Day Tuesday, Date March 3, Time 2:00

A. B. 43--Requiring designation of agent for collection of use taxes on vehicles.

S. B. 7--Limits designation of county assessors as agents of department of motor vehicles.

S. B. 157--Makes certain changes in bidding requirements and partial payments for road contracts.

S. B. 160--Provides for revocation of certificate of public convenience and necessity for nonuse by motor carrier.

S. B. 216--Provides special license plates for prisoners of war.

SENATE COMMITTEE ON TRANSPORTATIONDATE: 3/3/81

EXHIBIT B

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
Charles E Buchanan	2117 RIZZO DRIVE SPARKS, NEV	359 4813
Ned B Bennett	DMV	885-5370
Roy E Nickson	Dept. of TAXATION	885-4872
Gene P Miller	EX. P.O.W. INC	782-5235
Timothy Miller	EX. P.O.W. INC	" "
HERMAN E MOLES	AMERICAN EX-PRISONERS OF WAR	702 459 2255
Leonard L. Jackson	Disabled American Veterans	882-4067
James R. ...	DISABLED AMERICAN VETS	899-757
Ray A. ...	NEW STATE VETERANS ASSOCIATION	673-4624
VIRGIL D. ...	AAV	882-1890
DARYL E. ...	NEVADA MOTOR TRANSPORT ASSN	331-6554
Joe Wagner	State Senator	885-5231
James ...	EX P.O.W.	331-4617
HERB P. HARDY	F.E.C.	885-4117
John W. Border	NEV. MOTOR TRANSPORT ASSN	331-6554
Martin J. ...	EX P.O.W. INC	882-2552
James ...	EX P.O.W. WIFE	882-2552
W. D. ...	Whitlason-Bell	
Ch.	359-7752

Proposed language for Senate Bill 160:

If a certificated motor carrier fails to file its required end report within 60 days after it is due or the annual report shows that the motor carrier has not performed any intrastate transportation service under the terms and conditions of its certificate for the preceeding calander year the certificate of public convenience and necessity is revoked by operation of law.

REVOKED & CANCELLED CERTIFICATES - (1977-1980)

EXHIBIT D

	<u>REVOKED</u>	<u>CANCELLED</u>	<u>TOTAL</u>
1980	13	20	33
1979	3	8	11
1978	1	7	8
1977	4	12	16



EXHIBIT E

DEPARTMENT OF MOTOR VEHICLES

555 WRIGHT WAY

CARSON CITY, NEVADA 89711
REGISTRATION DIVISION
(702) 885-5370

February 23, 1981

Honorable Sue Wagner
Nevada State Senator
Legislative Building
Carson City, Nevada 89701

Dear Senator Wagner:

The following states have been contacted regarding their
Prisoner of War license plates, number issued and the fees
charged:

<u>State</u>	<u>Number Issued</u>	<u>Free Plates</u>	<u>Some Fees</u>	<u>Regular Fees</u>	<u>Regular Fees, Plus</u>
Arkansas	415		\$1.00		
Colorado	Just approved			X	
Illinois	125			X	
Iowa	Just approved			X	
Indiana	100			X	
Kansas	113	X			
Maryland	104			X	
Mississippi	1,164	X			
New Mexico	520		Tax only		
North Carolina	568			X	
Ohio	2,000	X			
Oklahoma	350		\$ 4.10		
Tennessee	600	1st. Free		Additional Regular	
Texas	3,000	X			
Virginia	80				Regular +\$10.0
West Virginia	450			X	
Wisconsin	71				Regular +\$10.0
Totals--		<u>4</u>	<u>3</u>	<u>7</u>	<u>2</u>


Honorable Sue Wagner
February 23, 1981
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Hopefully, this summarization will be of value to you.

If I can be of further assistance, please contact me at
885-5347.

Very truly yours,

Barton Jacka, Director


By: Hale B. Bennett, Chief
Registration Division

HBB:em
cc: Don Rhodes

CONVO has appointed Herman Molen, Past National Commander of the Ex-Prisoner's of War, to present our unanimous endorsement of Senate Bill No. 216.

Bill Derderian
President, CONVO

1. Amend Section 3, page 3, line 17, by deleting "this section" and inserting therefore NRS 484.745.

2. Amend the bill as a whole by adding the following new sections:

Section 7. Section 2 of this Act shall remain in effect only until July 1, 1986, and as of such date is repealed.

Section 8. This Act shall become effective upon passage and approval.

S. B. 216

SENATE BILL NO. 216—SENATORS WAGNER, McCORKLE,
GETTO, BLAKEMORE, JACOBSEN, KOSINSKI AND HERN-
STADT

FEBRUARY 11, 1981

Referred to Committee on Transportation

SUMMARY—Provides special license plates for prisoners of war. (BDR 43-533)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to license plates; providing special plates for prisoners of war; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 482.377 is hereby amended to read as follows:
2 482.377 1. [A veteran of the Armed Forces of the United States
3 who, as a result of his service, has suffered a 100-percent service-
4 connected disability and who receives compensation from the United
5 States for his disability] *A person who qualifies under this section may*
6 *register one passenger car or light commercial vehicle having a manu-*
7 *facturer's rated carrying capacity of one ton or less, for his own personal*
8 *use. A veteran of the Armed Forces of the United States who, as a result*
9 *of his service:*
10 *(a) Has suffered a 100-percent service-connected disability and who*
11 *receives compensation from the United States for his disability, is entitled*
12 *to a specially designed license plate inscribed with the words DISABLED*
13 *VETERAN and three or four consecutive numbers.*
14 *(b) Has been captured and held prisoner by a military force of a*
15 *foreign nation, is entitled to a specially designed license plate inscribed*
16 *with the words PRISONER OF WAR and three or four consecutive*
17 *numbers.*
18 2. The department shall issue a specially designed license plate for
19 persons qualified under this section who submit an application on a form
20 prescribed by the department and evidence of disability or imprison-
21 ment required by the department. [The plates must be inscribed with the
22 words DISABLED VETERAN and three or four consecutive numbers.]

1 3. A vehicle on which license plates issued by the department under
2 the provisions of this section are displayed is exempt from the payment
3 of any parking fees, including those collected through parking meters,
4 charged by the state or any political subdivision or other public body
5 within the state, other than the United States.

6 4. If during a registration year, the holder of a special plate issued
7 under the provisions of this section disposes of the vehicle to which the
8 plates are affixed, he shall retain the plates and:

9 (a) Affix them to another vehicle which meets the requirements of this
10 section and report the change to the department in accordance with the
11 procedure set forth for other transfers; or

12 (b) Within 30 days after removing the plates from the vehicle, return
13 them to the department.

14 5. If the special plates provided for under this section are lost, stolen
15 or mutilated, the owner of the vehicle may secure a set of replacement
16 license plates from the department for a fee of \$2.

S. B. 53**SENATE BILL NO. 53—COMMITTEE ON TRANSPORTATION**

JANUARY 21, 1981

Referred to Committee on Transportation

SUMMARY—Increases allowable limits on size of vehicles. (BDR 43-390)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to vehicles; increasing allowable limits on size; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*1 SECTION 1. Chapter 484 of NRS is hereby amended by adding
2 thereto the provision set forth as sections 2 to 7 inclusive, of this act.3 SEC. 2. *1. If a vehicle is carrying a load of loosely piled agricul-*
4 *tural products such as hay, straw or leguminous plants in bulk but not*
5 *crated, baled, boxed or sacked, the load of loosely piled material and*
6 *any loading racks retaining the load must not exceed 120 inches in*
7 *width.*8 *2. The provisions of NRS 484.759 with respect to maximum widths*
9 *do not apply to implements of husbandry incidentally operated, trans-*
10 *ported, moved or towed over a highway. If an implement of husbandry*
11 *is transported or moved over a highway which is a part of the National*
12 *System of Interstate and Defense Highways, as described in subsection*
13 *(e) of section 103 of Title 23, U.S.C., as a load on another vehicle, if*
14 *the load exceeds 102 inches in width, the vehicle and load must not be*
15 *operated for a distance of more than 25 miles from the point of origin*
16 *of the trip and must not be operated at a speed in excess of 30 miles*
17 *per hour. If an implement of husbandry is transported or moved over*
18 *any other highway as a load on another vehicle, if the load exceeds 120*
19 *inches in width, the vehicle and load must not be operated for a distance*
20 *of more than 25 miles from the point of origin of the trip and must not*
21 *be operated at a speed in excess of 30 miles per hour.*22 SEC. 3. *Subject to the provisions of subsection 2 of NRS 484.759,*
23 *the following vehicles must not exceed a width of 120 inches:*24 *1. Any trailer or semitrailer, including lift carriers and tipped trail-*
25 *ers, used exclusively for the transportation of implements of husbandry*
26 *by farmers or implement dealers.*

1 2. Special mobile equipment.

2 3. Highway construction or maintenance equipment.

3 SEC. 4. 1. The department of transportation may, upon application
4 in writing, if good cause appears, issue a special or multiple trip-limited
5 time permit in writing authorizing the applicant to move a trailer coach
6 or mobile home in excess of the maximum width, but not exceeding,
7 except as otherwise provided in section 5 of this act, 120 inches exclu-
8 sive of appendages which must not extend beyond 3 inches on either
9 side. The department of transportation may establish seasonal or other
10 time limitations within which the trailer coach or mobile home described
11 may be moved on the highways indicated, and may require an under-
12 taking or other security as may be deemed necessary to protect the
13 highways and bridges from injury or to provide indemnity for any injury
14 resulting from the operation. Permits for the movement of trailer coaches
15 or mobile homes as provided for in this section may be issued only to
16 licensed manufacturers, dealers, owners and transporters and may be
17 issued only under the following conditions:

18 (a) The power unit used to tow overwidth trailers or mobile homes
19 having a gross weight of 18,000 pounds or less must be a three-quarter-
20 ton truck or tractor, or a truck or tractor of greater power equipped with
21 dual wheels.

22 (b) The power unit used to tow an overwidth trailer coach or mobile
23 home having a gross weight in excess of 18,000 pounds must be a one-
24 and-one-half-ton, or larger, truck or tractor equipped with dual wheels.

25 (c) The mobile home for which the permit is issued must comply with
26 the provisions of NRS 484.745 relating to axle weight limitations.

27 (d) The insurer must furnish evidence of insurance verifying coverage
28 of the overwidth trailer coach or mobile home in the amounts of \$100,-
29 000 because of bodily injury to or death of one person in any one
30 accident, and subject to such a limit for one person, in the amount of
31 \$300,000 because of bodily injury to or death of two or more persons in
32 any one accident and in the amount of \$50,000 because of injury to or
33 destruction of property of others in any one accident.

34 2. A permit which has been issued for the movement of a trailer
35 coach or mobile home is not valid between sunset and sunrise of the
36 following day, nor between sunset on Friday to sunrise on Monday fol-
37 lowing, nor on any days declared to be legal holidays. The director of the
38 department of transportation may establish additional reasonable regula-
39 tions, consistent with this section, as he deems necessary in the interest of
40 public safety.

41 SEC. 5. 1. The department of transportation may, upon application
42 in writing, if good cause appears, issue a special or multiple trip-limited
43 time permit in writing authorizing the applicant to move a trailer coach
44 or mobile home in excess of 120 inches in width but not exceeding 168
45 inches in width, exclusive of appendages, which must not extend beyond
46 3 inches on either side. The movement of the trailer coach or mobile
47 home is, in addition to the conditions and requirements of section 4 of
48 this act, subject to the following requirements and conditions:

1 (a) "Wide-load" signs and red flags must be on the front of the tow-
2 ing vehicle and on the rear of the trailer coach or mobile home.

3 (b) The towing vehicle must be a one-and-one-half-ton or larger truck
4 or tractor equipped with dual wheels.

5 (c) The applicant must present evidence satisfactory to the depart-
6 ment that he is financially responsible and that he has complied or is
7 able to comply with the equipment requirements.

8 (d) As an additional warning to approaching traffic, the towing vehicle
9 must be operated with the headlights turned on low beam.

10 (e) The driver of the towing vehicle shall do everything possible to
11 prevent the congestion or slowing down of traffic in either direction due
12 to the overwidth trailer and shall, if necessary to maintain the normal
13 flow of traffic, drive the towing vehicle and trailer coach or mobile home
14 off the pavement where safe to do so, in order that traffic may pass.

15 (f) When two or more trailer coaches or mobile homes in excess of
16 120 inches in width are moved over the same highway in the same direc-
17 tion, the drivers of the towing vehicles shall maintain a distance of at
18 least 1,000 feet between vehicles.

19 2. The department of transportation shall:

20 (a) Designate the highways over which trailers in excess of 120 inches
21 in width may be moved, and may require a pilot car to precede or fol-
22 low the load.

23 (b) Prescribe additional regulations relating to moving such trailer
24 coaches or mobile homes, including the times and days when such mov-
25 ing is permitted, and additional safety precautions to be taken.

26 SEC. 6. The department of transportation with respect to highways
27 under its jurisdiction and governing bodies of cities and counties with
28 respect to highways under their jurisdiction shall, upon application in
29 writing, issue a permit to operate, for a single trip, a vehicle, or a vehicle
30 with a load, having a width exceeding the legal maximum width but
31 not exceeding 120 inches in width on a highway between sunrise and
32 sunset on Saturdays, Sundays and holidays, unless the department or
33 governing body determines that such an operation would be a safety
34 hazard or would unduly impede the flow of traffic.

35 SEC. 7. The provisions of section 3, section 4 and subsection 2 of
36 section 2 of this act do not apply to any highway which is part of the
37 Federal-Aid Primary System, Federal-Aid Secondary System or the
38 Interstate System if their application would prevent this state from receiv-
39 ing any money for highways under section 127 of Title 23, U.S.C.

40 SEC. 8. NRS 484.759 is hereby amended to read as follows:

41 484.759. 1. As used in this section and section 3 of this act, "special
42 mobile equipment" means a vehicle, not self-propelled, not designed or
43 used primarily for the transportation of persons or property, and only
44 incidentally operated or moved over a highway, excepting implements
45 of husbandry.

46 2. The department of transportation with respect to highways under
47 its jurisdiction and governing bodies of cities and counties with respect to
48 roads under their jurisdiction may, upon application in writing, authorize
49 the applicant to operate or move a vehicle, combination of vehicles,
50 special mobile equipment, or load thereon of a size or weight exceeding

1 the legal maximum, or to use corrugations on the periphery of the mov-
2 able tracks on a traction engine or tractor, the propulsive power of which
3 is not exerted through wheels resting on the roadway but by means of a
4 flexible band or chain, or, under emergency conditions, to operate or
5 move a type of vehicle otherwise prohibited by law, upon any highway
6 under the jurisdiction of the department or governing body granting
7 **[such] that permit.**

8 - 3. Except as otherwise provided in **[this section,] sections 2 to 6,**
9 *inclusive, of this act,* the legal maximum width of any vehicle, combina-
10 tion of vehicles, special mobile equipment, or load thereon is **[96] 102**
11 inches.

12 4. If a vehicle is equipped with pneumatic tires, the maximum width
13 from the outside of one wheel and tire to the outside of the opposite
14 outer wheel and tire must not exceed **[102] 108** inches, and the outside
15 width of the body of **[such] the** vehicle or the load thereon must not
16 exceed **[96] 102** inches.

17 5. **[If a vehicle is carrying a load of loosely piled agricultural prod-**
18 **ucts such as hay, straw or leguminous plants in bulk but not crated,**
19 **baled, boxed or sacked, the load of loosely piled material and any load-**
20 **ing racks retaining the load must not exceed 120 inches in width.**

21 **6.] Lights or devices which [are required to] must be mounted**
22 **upon a vehicle under this chapter may extend beyond the permissible**
23 **width of the vehicle to a distance not exceeding 10 inches on each side**
24 **of the vehicle, but the maximum width must not exceed 120 inches.**

25 **[7.] 6. Door handles, hinges, cable cinchers and chain binders may**
26 **extend 3 inches on each side, but the maximum width of body and door**
27 **handles, hinges, cable cinchers or chain binders must not exceed [102]**
28 **108 inches.**

29 **[8.] 7. A person shall not operate a passenger vehicle on any high-**
30 **way with any load carried thereon extending beyond the line of the**
31 **hubcaps on its left side or more than 6 inches beyond the line of the**
32 **hubcaps on its right side.**

33 **[9. The provisions of this section with respect to maximum widths**
34 **do not apply to implements of husbandry incidentally operated, trans-**
35 **ported, moved or towed over a highway. If an implement of husbandry**
36 **is transported or moved over a highway which is a part of the National**
37 **System of Interstate and Defense Highways, as described in subsection**
38 **(e) of section 103 of Title 23, U.S.C., as a load on another vehicle, if**
39 **the load exceeds 96 inches in width, the vehicle and load must not be**
40 **operated for a distance of more than 25 miles from the point of origin**
41 **of the trip and must not be operated at a speed in excess of 30 miles**
42 **per hour. If an implement of husbandry is transported or moved over**
43 **any other highway as a load on another vehicle, if the load exceeds**
44 **120 inches in width, the vehicle and load must not be operated for a**
45 **distance of more than 25 miles from the point of origin of the trip and**
46 **must not be operated at a speed in excess of 30 miles per hour.**

47 10. Subject to the provisions of subsection 2, the following vehicles
48 must not exceed a width of 120 inches:

1 (a) Any trailer or semitrailer, including lift carriers and tipped trail-
2 ers, used exclusively for the transportation of implements of husbandry
3 by farmers or implement dealers.

4 (b) Special mobile equipment.

5 (c) Highway construction or maintenance equipment.

6 This subsection does not apply to highways which are a part of the
7 National System of Interstate and Defense Highways, as described in
8 subsection (e) of section 103 of Title 23, U.S.C., if such an application
9 would prevent this state from receiving any federal funds for highway
10 purposes.

11 11. The department of transportation may, upon application in writ-
12 ing, if good cause appears, issue a special or multiple trip-limited time
13 permit in writing authorizing the applicant to move a trailer coach or
14 mobile home in excess of the maximum width, but not exceeding, except
15 as further provided in this section, 120 inches exclusive of appendages
16 which must not extend beyond 3 inches on either side. The department
17 of transportation may establish seasonal or other time limitations within
18 which the trailer coach or mobile home described may be moved on the
19 highways indicated, and may require an undertaking or other security
20 as may be deemed necessary to protect the highways and bridges from
21 injury or to provide indemnity for any injury resulting from the opera-
22 tion. Permits for the movement of trailer coaches or mobile homes as
23 provided for in this subsection may be issued only to licensed manu-
24 facturers, dealers, owners and transporters and may be issued only
25 under the following conditions:

26 (a) The power unit used to tow overwidth trailers or mobile homes
27 having a gross weight of 18,000 pounds or less must be a three-quarter-
28 ton truck or tractor, or a truck or tractor of greater power equipped with
29 dual wheels.

30 (b) The power unit used to tow an overwidth trailer coach or mobile
31 home having a gross weight in excess of 18,000 pounds must be a one-
32 and-one-half-ton, or larger, truck or tractor equipped with dual wheels.

33 (c) The mobile home for which the permit is issued must comply with
34 the provisions of NRS 484.745 relating to axle weight limitations.

35 (d) The insurer must furnish evidence of insurance verifying coverage
36 of the overwidth trailer coach or mobile home in the amounts of \$100,-
37 000 because of bodily injury to or death of one person in any one acci-
38 dent, and subject to such a limit for one person, in the amount of
39 \$300,000 because of bodily injury to or death of two or more persons in
40 any one accident and in the amount of \$50,000 because of injury to or
41 destruction of property of others in any one accident.

42 A permit which has been issued for the movement of a trailer coach
43 or mobile home is not valid between sunset and sunrise of the following
44 day, nor between sunset on Friday to sunrise on Monday following, nor
45 on any days declared to be legal holidays. The director of the department
46 of transportation may establish additional reasonable regulations, con-
47 sistent with this section, as he deems necessary in the interest of public
48 safety.

49 To the extent that the application of this subsection to highways which
50 are a part of the National System of Interstate and Defense Highways, as

1 described in subsection (e) of section 103 of Title 23, U.S.C., would
2 cause this state to be deprived of any federal funds for highway purposes,
3 this subsection to such extent does not apply to highways which are a
4 part of that system.

5 12. The department of transportation may, upon application in writ-
6 ing, if good cause appears, issue a special or multiple trip-limited time
7 permit in writing authorizing the applicant to move a trailer coach or
8 mobile home in excess of 120 inches in width but not exceeding 168
9 inches in width, exclusive of appendages, which must not extend beyond
10 3 inches on either side. The movement of such trailer coach or mobile
11 home is, in addition to the conditions and requirements of subsection 11,
12 subject to the following requirements and conditions:

13 (a) "Wide-load" signs and red flags must be on the front of the towing
14 vehicle and on the rear of the trailer coach or mobile home.

15 (b) The towing vehicle must be a one-and-one-half-ton or larger
16 truck or tractor equipped with dual wheels.

17 (c) The department of transportation shall not issue a permit unless
18 the applicant presents evidence satisfactory to the department that he is
19 financially responsible and that he has complied or is able to comply with
20 the equipment requirements.

21 (d) As an additional warning to approaching traffic, the towing vehicle
22 must be operated with the headlights turned on low beam.

23 (e) The driver of the towing vehicle shall do everything possible to
24 prevent the congestion or slowing down of traffic in either direction due
25 to the overwidth trailer and shall, if necessary to maintain the normal
26 flow of traffic, drive the towing vehicle and trailer coach or mobile home
27 off the pavement where safe to do so, in order that traffic may pass.

28 (f) When two or more trailer coaches or mobile homes in excess of
29 120 inches in width are moved over the same highway in the same direc-
30 tion, the drivers of the towing vehicles shall maintain a distance of at
31 least 1,000 feet between vehicles.

32 (g) The department of transportation shall designate the highways
33 over which trailers in excess of 120 inches in width may be moved,
34 and may require a pilot car to precede or follow the load.

35 (h) The department of transportation shall prescribe additional regu-
36 lations relating to moving such trailer coaches or mobile homes, includ-
37 ing the times and days when such moving is permitted, and additional
38 safety precautions to be taken.

39 13. The department of transportation with respect to highways
40 under its jurisdiction and governing bodies of cities and counties with
41 respect to highways under their jurisdiction shall, upon application in
42 writing, issue a permit to operate, for a single trip, a vehicle, or a vehicle
43 with a load, having a width exceeding the legal maximum width but not
44 exceeding 120 inches in width on a highway between sunrise and sunset
45 on Saturdays, Sundays and holidays, unless the department or governing
46 body determines that such an operation would be a safety hazard or
47 would unduly impede the flow of traffic.]

48 SEC. 9. NRS 484.761 is hereby amended to read as follows:

49 484.761 The application for a permit under NRS 484.759 [shall;]
50 and sections 2 to 6, inclusive, of this act, must:

1 1. Specifically describe the vehicle [, vehicles] or special mobile
2 equipment and load to be operated or moved and the particular high-
3 ways over which the permit to operate is requested.

4 2. State whether [such] *the* permit is requested for a single trip
5 [or] , for continuous [or multiple trip-limited time operation.] *use or*
6 *for multiple trips over a limited time.*

7 SEC. 10. NRS 484.769 is hereby amended to read as follows:

8 484.769 1. It is unlawful for any person to operate or move any
9 vehicle or equipment designated in NRS 484.759 *and sections 2 to 6,*
10 *inclusive, of this act,* over any highway without first obtaining a permit,
11 or to violate or evade any of the terms or conditions of [such] *the* per-
12 mit when issued, and any person violating any of the provisions of NRS
13 484.759 to 484.767, inclusive, *and sections 2 to 6, inclusive, of this act,*
14 is guilty of a misdemeanor.

15 2. Any person operating or moving any vehicle or equipment des-
16 ignated in NRS 484.759 *and sections 2 to 6, inclusive, of this act,* over
17 any highway under the authorization of a permit for continuous use or
18 multiple [trip-limited time permit] *trips over a limited time* and who
19 violates any weight limitation in excess of the weight authorized by the
20 permit [shall] *must* be punished, upon conviction, as provided in NRS
21 484.757.

22 SEC. 11. NRS 484.763 is hereby repealed.

⊙

S. B. 54

SENATE BILL NO. 54—COMMITTEE ON TRANSPORTATION

JANUARY 21, 1981

Referred to Committee on Transportation

SUMMARY—Provides alternative weight limits for certain vehicles. (BDR 43-389)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to vehicles; providing alternative weight limits for trailers and semitrailers; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. Chapter 484 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.
3 SEC. 2. 1. *The provisions of this section apply only to vehicles which*
4 *contain a trailer or a semitrailer. Each vehicle contained in this combina-*
5 *tion must comply with the provisions of this section or with the provi-*
6 *sions of NRS 484.745.*
7 2. *The maximum weight on any single axle must not exceed 18,000*
8 *pounds.*
9 3. *The total gross weight with load imposed on the highway by any*
10 *group of two or more consecutive axles of a vehicle or of a combination*
11 *of vehicles where the distance between the first and last axles of the two*
12 *or more consecutive axles is 18 feet or less, must not exceed that given for*
13 *the respective distances in the following table:*
14 *Distance in Feet* *Allowed Load*
15 *Between First and Last* *in Pounds on*
16 *Axles of Group* *Group of Axles*
17 4..... 32,000
18 5..... 32,000
19 6..... 32,200
20 7..... 32,900
21 8..... 33,600
22 9..... 34,300
23 10..... 35,000
24 11..... 35,700
25 12..... 36,400

1	<i>Distance in Feet</i>	<i>Allowed Load</i>
2	<i>Between First and Last</i>	<i>in Pounds on</i>
3	<i>Axles of Group</i>	<i>Group of Axles</i>
4	13.....	37,100
5	14.....	43,200
6	15.....	44,000
7	16.....	44,800
8	17.....	45,600
9	18.....	46,400

10 4. *The total gross weight with load imposed on the highway by any*
11 *vehicle or combination of vehicles where the distance between the first*
12 *and last axles is more than 18 feet must not exceed that given for the*
13 *respective distances in the following table:*

14	<i>Distance</i>	<i>Allowed Load</i>
15	<i>in Feet</i>	<i>in Pounds</i>
16	19.....	47,200
17	20.....	48,000
18	21.....	48,800
19	22.....	49,600
20	23.....	50,400
21	24.....	51,200
22	25.....	55,250
23	26.....	56,100
24	27.....	56,950
25	28.....	57,800
26	29.....	58,650
27	30.....	59,500
28	31.....	60,350
29	32.....	61,200
30	33.....	62,050
31	34.....	62,900
32	35.....	63,750
33	36.....	64,600
34	37.....	65,450
35	38.....	66,300
36	39.....	68,000
37	40.....	70,000
38	41.....	72,000
39	42.....	73,280
40	43.....	73,280
41	44.....	73,280
42	45.....	73,280
43	46.....	73,280
44	47.....	73,280
45	48.....	73,280
46	49.....	73,280
47	50.....	73,280
48	51.....	73,280
49	52.....	73,600

Distance In Feet	Allowed Load In Pounds
53.....	74,400
54.....	75,200
55.....	76,000
56 or over.....	76,800

SEC. 3. 1. The provisions of NRS 484.745, and section 2 of this act, do not apply to any highway which is a part of the Federal-aid Primary System, Federal-aid Urban System, Federal-aid Secondary System or Interstate System if their application would prevent this state from receiving any federal funds for highway purposes under section 127 of Title 23, U.S.C.

2. The department of transportation, with respect to highways under its jurisdiction, and the governing bodies of cities and counties, with respect to roads and streets under their jurisdiction, after determining that use by vehicles otherwise conforming with the maximum weight limits prescribed in this section, or section 2 of this act, is likely to cause substantial stress to any highway, road, street or portion or structure thereof, may, by proper notice, fix a reduced maximum weight limit for vehicles which may pass over any such highway, road, street or portion or structure thereof.

SEC. 4. NRS 484.745 is hereby amended to read as follows:
 484.745 Except as provided in NRS 484.753, and section 2 of this act, no vehicle may be operated or moved upon any public highway, except upon the following conditions:

1. The maximum weight on any single axle must not exceed 20,000 pounds.

2. The maximum weight on any tandem axle must not exceed 34,000 pounds.

3. Except as provided in subsection 4, the maximum overall gross weight on any group of two or more consecutive axles must not exceed the values set forth in the following formula: $W = 500 [LN / (N-1) + 12N + 36]$ wherein:

(a) W equals the maximum load in pounds carried on any group of two or more consecutive axles;

(b) L equals the distance in feet between the extremes of any group of two or more consecutive axles; and

(c) N equals the number of axles in the group under consideration.

4. Two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the distance between the first and last axles of such consecutive sets of axles is 36 feet or more.

5. For the purpose of this section "tandem axle" means any two or more consecutive axles whose centers are more than 40 inches but not more than 96 inches apart and are individually attached to or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between axles.

[6. The provisions of this section do not apply to any highway which is a part of the Federal-aid Primary System, Federal-aid Urban System, Federal-aid Secondary System or Interstate System if such

1 application would prevent this state from receiving any federal funds
2 for highway purposes under section 127 of Title 23, U.S.C.

3 7. The department of transportation, with respect to highways under
4 its jurisdiction, and the governing bodies of cities and counties, with
5 respect to roads and streets under their jurisdiction, after determining
6 that use by vehicles otherwise conforming with the maximum weight
7 limits prescribed in this section is likely to cause substantial distress to
8 any highway, road, street or portion or structure thereof, may, by proper
9 notice, fix a reduced maximum weight limit for vehicles which may pass
10 over any such highway, road, street or portion or structure thereof.]

11 SEC. 5. NRS 484.755 is hereby amended to read as follows:

12 484.755 1. Authority for the enforcement of the provisions of NRS
13 484.745 to 484.757, inclusive, [shall be] and section 2 of this act, is
14 vested in the Nevada highway patrol and in motor carrier field agents
15 under the jurisdiction of the department of motor vehicles.

16 2. Any officer of the Nevada highway patrol or motor carrier field
17 agent having reason to believe that the weight of a vehicle and load is
18 unlawful [is authorized to] may require the driver to stop and submit
19 to a weighing of the same either by means of portable or stationary scales
20 and may require that such vehicle be driven to the nearest public scales,
21 [in the event such scales] if they are within 5 miles.

22 3. Whenever an officer or agent upon weighing a vehicle and load
23 as provided in subsection 2 determines that the weight is unlawful, [such
24 officer or agent] he may require the driver to stop in a suitable place and
25 remove such portion of the load as may be necessary to reduce the gross
26 weight of [such] the vehicle to those limits permitted under NRS 484.-
27 745 to 484.757, inclusive [.] , and section 2 of this act. All materials so
28 unloaded [shall] must be cared for by the carrier of [such] the material
29 and [shall be cared for at the expense of the carrier.] at his expense. The
30 officer or agent may allow the driver of the inspected vehicle to continue
31 on his journey if any overload does not exceed by more than 5 percent
32 the limitations prescribed by NRS 484.745 to 484.757, inclusive, and
33 section 2 of this act, but the penalties provided in NRS 484.757 [shall be
34 exercised] must be imposed for the overload violation.

35 4. Any driver of a vehicle who fails or refuses to stop and submit
36 the vehicle and load to a weighing, or who fails or refuses when directed
37 by an officer of the Nevada highway patrol or motor carrier field agent
38 upon a weighing of the vehicle to stop and otherwise comply with the
39 provisions of NRS 484.745 to 484.757, inclusive, [shall be] and section
40 2 of this act, is guilty of a misdemeanor.

41 SEC. 6. NRS 484.757 is hereby amended to read as follows:

42 484.757 1. Every person convicted of a violation of any weight
43 limitation provision of NRS 484.745 to 484. 755, inclusive, and section
44 2 of this act, and every person, company, association or corporation,
45 either personally or by his or its agent or employee, who is found guilty
46 of violating any weight limitation of NRS 484.745 to 484.755, inclusive,
47 [shall] and section 2 of this act, must be punished by a fine as specified
48 in the following table:

	Pounds of Excess Weight	Fine
1		
2		
3	2,001- 2,500	\$20
4	2,501- 3,000	25
5	3,001- 3,500	30
6	3,501- 4,000	35
7	4,001- 4,500	40
8	4,501- 5,000	60
9	5,001- 5,500	80
10	5,501- 6,000	100
11	6,001- 6,500	120
12	6,501- 7,000	150
13	7,001- 7,500	175
14	7,501- 8,000	200
15	8,001- 8,500	225
16	8,501- 9,000	275
17	9,001- 9,500	325
18	9,501-10,000	375
19	10,001-10,500	400
20	10,501-11,000	425
21	11,001-11,500	450
22	11,501-12,000	475
23	12,001 and over	500

- 24 2. The maximum fine under this section is \$500.
- 25 3. The fines provided in this section are mandatory and must not
- 26 be reduced under any circumstances by the court.
- 27 4. Any bail allowed must not be less than the appropriate fine pro-
- 28 vided for in this section.

Library Note:

During the examination of this set of minutes, Exhibit K from the March 5, 1981 meeting was found filed here. That exhibit has been moved to the meeting to which it belongs. The Bates numbering at the bottom of the pages will appear inconsistent.

Research Library
May 2014

S. B. 157**SENATE BILL NO. 157—COMMITTEE ON
TRANSPORTATION**

JANUARY 30, 1981

Referred to Committee on Transportation

SUMMARY—Makes certain changes in bidding requirements and partial payments for road contracts. (BDR 35-279)**FISCAL NOTE:** Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.**EXPLANATION**—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to road contracts; changing the percentage of the contract price retained pending full completion of a contract; eliminating prior qualification for bidding; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 408.215 is hereby amended to read as follows:
2 408.215 1. The director has charge of all the records of the depart-
3 ment, keeping records of all proceedings pertaining to the department
4 and keeping on file information, plans, specifications, estimates, statistics
5 and records prepared by the department. [*except those financial state-*
6 *ments described in NRS 408.333, which must not become matters of*
7 *public record.*]
8 2. The director may photograph, microphotograph or film or dispose
9 of the records of the department referred to in subsection 1 as provided
10 in NRS 239.050 to 239.085, inclusive.
11 3. The director shall maintain an index or record of deeds or other
12 references of title or interests in and to all lands or interests in land
13 owned or acquired by the department.
14 4. The director shall adopt such regulations as may be necessary to
15 carry out and enforce the provisions of this chapter.
- 16 SEC. 2. NRS 408.343 is hereby amended to read as follows:
17 408.343 1. All bids must be submitted under sealed cover and
18 received at the [*office of the department in Carson City, Nevada,*]
19 *address in Nevada stated in the advertisement for bids* and must be
20 opened publicly and read at the time stated in the advertisement.
21 2. No bids may be received after the time stated in the advertise-
22 ment even though bids are not opened exactly at the time stated in the
23 advertisement. No bid may be opened before that time.

1 3. Any bid may be withdrawn at any time before the time stated in
2 the advertisement only by written request or telegram filed with the
3 director and executed by the bidder or his duly authorized representa-
4 tive. The withdrawal of a bid does not prejudice the right of the bidder
5 to file a new bid before the time stated in the advertisement.

6 4. The department may reject any bid or all bids if, in the opinion
7 of the department, the bids are unbalanced, incomplete, contain irregu-
8 larities of any kind or for any good cause.

9 5. Until the final award of the contract, the department may reject
10 or accept any bids and may waive technical errors contained in the bids,
11 as may be deemed best for the interests of the state.

12 6. In awarding a contract, the department shall make the award to
13 the lowest responsible bidder who has [qualified and] submitted his bid
14 in accordance with the provisions of this chapter.

15 SEC. 3. NRS 408.383 is hereby amended to read as follows:

16 408.383 1. [The] *Except as provided in subsection 2, the director*
17 *may [authorize partial payments] pay at the end of each calendar month,*
18 *or as soon thereafter as practicable, to any contractor satisfactorily per-*
19 *forming any highway improvement or construction as the work progresses*
20 *[.] in full for the work as completed but not more than 95 percent of*
21 *the entire contract price. The progress estimates must be based upon*
22 *materials in place, or on the job site, or at a location approved by the*
23 *director, and invoiced, and labor expended thereon. [Not more than 90*
24 *percent of the contract price of any work may be paid in advance of full*
25 *completion and final acceptance of such improvement or construction,*
26 *except that at any time after 50 percent of the work has been completed,*
27 *if the director finds that satisfactory progress is being made, he may make*
28 *any of the remaining partial payments in full, based upon the progress*
29 *estimates.*

30 2. *The withheld percentage of the contract price of any such work*
31 *or improvement or construction must be retained until the contract is*
32 *completed satisfactorily and finally accepted by the director, except that*
33 *at any time after 50 percent of the work has been completed, if the*
34 *director finds that satisfactory progress is being made in all phases of the*
35 *contract, he may, upon written request by the contractor, authorize a*
36 *single payment from the withheld percentage in an amount which will*
37 *not reduce the withheld percentage below 5 percent of the value of the*
38 *work to be completed. Before such payment is made, the director shall*
39 *determine that satisfactory and substantial reasons exist for the payment*
40 *and shall require written approval from any surety furnishing bonds for*
41 *the contract work.] The remaining 5 percent, but not more than \$50,000,*
42 *must be retained until the entire contract is completed satisfactorily and*
43 *accepted by the director.*

44 2. *If the work in progress is being performed on a satisfactory basis,*
45 *the director may reduce the percentage retained if he finds that sufficient*
46 *reasons exist for additional payment and has obtained written approval*
47 *from every surety furnishing bonds for the work. Any remaining money*
48 *must be retained until the entire contract is completed satisfactorily and*
49 *accepted by the director.*

1 3. If it becomes necessary for the department to take over the com-
2 pletion of any highway contract or contracts, all of the amounts owing
3 the contractor, including the withheld percentage, must first be applied
4 toward the cost of completion of the contract or contracts. Any balance
5 remaining in the retained percentage after completion by the department
6 is payable to the contractor or the contractor's creditors.

7 4. Such retained percentage as may be due any contractor is due and
8 payable at the expiration of the 30-day period as provided in NRS 408.-
9 363 for filing of creditors' claims, and [such] *this* retained percentage is
10 due and payable to the contractor at [such] *that* time without regard to
11 creditors' claims filed with the department.

12 5. The contractor under any contract made [prior to or after April
13 23, 1971,] or awarded by the department, including any contract for
14 the construction, improvement, maintenance or repair of any road or
15 highway or the appurtenances thereto, may, from time to time, withdraw
16 the whole or any portion of the sums otherwise due to the contractor
17 under [such] *the* contract which are retained by the department, pur-
18 suant to the terms of [such] *the* contract, if the contractor deposits with
19 the director:

20 (a) United States treasury bonds, United States treasury notes, United
21 States treasury certificates of indebtedness or United States treasury bills;

22 (b) Bonds or notes of the State of Nevada; or

23 (c) General obligation bonds of any political subdivision of the State
24 of Nevada.

25 Certificates of deposit must be of a market value not exceeding par,
26 at the time of deposit, but at least equal in value to the amount so with-
27 drawn from payments retained under [such] *the* contract.

28 6. The director has the power to enter into a contract or agree-
29 ment with any national bank, state bank, trust company or safe deposit
30 company located in the State of Nevada, designated by the contractor
31 after notice to the owner and surety, to provide for the custodial care
32 and servicing of any obligations deposited with him pursuant to this sec-
33 tion. Such services include the safekeeping of the obligations and the
34 rendering of all services required to effectuate the purposes of this section.

35 7. The director of any national bank, state bank, trust company or
36 safe deposit company located in the State of Nevada, designated by the
37 contractor to serve as custodian for the obligations pursuant to subsec-
38 tion 6, shall collect all interest or income when due on the obligations so
39 deposited and shall pay them, when and as collected, to the contractor
40 who deposited the obligation. If the deposit is in the form of coupon
41 bonds, the director shall deliver each [such] coupon as it matures to
42 the contractor.

43 8. Any amount deducted by the State of Nevada, or pursuant to
44 the terms of a contract, from the retained payments otherwise due to the
45 contractor thereunder, must be deducted first from that portion of the
46 retained payments for which no obligation has been substituted, then
47 from the proceeds of any deposited obligation. In the latter case, the
48 contractor is entitled to receive the interest, coupons or income only

- 1 from those obligations which remain on deposit after [such] *that* amount
- 2 has been deducted.
3. SEC. 4. NRS 408.333 is hereby repealed.