
SENATE BILL NO. 478—COMMITTEE ON TRANSPORTATION
(ON BEHALF OF THE DEPARTMENT OF PUBLIC SAFETY)

MARCH 24, 2003

Referred to Committee on Transportation

SUMMARY—Authorizes Department of Public Safety to adopt certain regulations relating to motor carriers. (BDR 58-524)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Department of Public Safety; authorizing the Department to adopt certain regulations relating to motor carriers; clarifying the duty of the Department to enforce certain provisions relating to motor carriers; 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 706.151 is hereby amended to read as follows:
2 706.151 1. It is hereby declared to be the purpose and policy
3 of the Legislature in enacting this chapter:
4 (a) Except to the extent otherwise provided in NRS 706.881 to
5 706.885, inclusive, to confer upon the Authority the power and to
6 make it the duty of the Authority to regulate fully regulated carriers,
7 operators of tow cars and brokers of regulated services to the extent
8 provided in this chapter and to confer upon the Department *of*
9 *Motor Vehicles* the power to license all motor carriers and to make
10 it the duty of the Department *of Motor Vehicles and the*
11 *Department of Public Safety* to enforce the provisions of this
12 chapter and the regulations adopted by the Authority pursuant to it,
13 to relieve the undue burdens on the highways arising by reason of
14 the use of the highways by vehicles in a gainful occupation thereon.



1 (b) To provide for reasonable compensation for the use of the
2 highways in gainful occupations, and enable the State of Nevada, by
3 using license fees, to provide for the proper construction,
4 maintenance and repair thereof, and thereby protect the safety and
5 welfare of the traveling and shipping public in their use of the
6 highways.

7 (c) To provide for fair and impartial regulation, to promote safe,
8 adequate, economical and efficient service and to foster sound
9 economic conditions in motor transportation.

10 (d) To encourage the establishment and maintenance of
11 reasonable charges for:

12 (1) Intrastate transportation by fully regulated carriers; and

13 (2) Towing services performed without the prior consent of
14 the owner of the vehicle or the person authorized by the owner to
15 operate the vehicle,

16 without unjust discriminations against or undue preferences or
17 advantages being given to any motor carrier or applicant for a
18 certificate of public convenience and necessity.

19 (e) To discourage any practices which would tend to increase or
20 create competition that may be detrimental to the traveling and
21 shipping public or the motor carrier business within this state.

22 2. All of the provisions of this chapter must be administered
23 and enforced with a view to carrying out the declaration of policy
24 contained in this section.

25 **Sec. 2.** NRS 706.169 is hereby amended to read as follows:

26 706.169 1. The Department *of Motor Vehicles and the*
27 *Department of Public Safety* shall ~~[-~~:

28 ~~—1.—Regulate]~~ *regulate* the activities of common and contract
29 carriers of property other than fully regulated carriers and operators
30 of tow cars.

31 2. ~~[Regulate]~~ *The Department of Motor Vehicles shall*
32 *regulate* the licensing of private motor carriers of property used for
33 private commercial enterprises on any highway in this state.

34 **Sec. 3.** NRS 706.171 is hereby amended to read as follows:

35 706.171 1. The Authority , ~~[and]~~ the Department *of Motor*
36 *Vehicles and the Department of Public Safety* may:

37 (a) Make necessary and reasonable regulations governing the
38 administration and enforcement of the provisions of this chapter for
39 which they are each responsible.

40 (b) Adopt by reference any appropriate rule or regulation, as it
41 exists at the time of adoption, issued by the United States
42 Department of Transportation, the Surface Transportation Board,
43 any other agency of the Federal Government, or the National
44 Association of Regulatory Utility Commissioners.



1 (c) Require such reports and the maintenance of such records as
2 they determine to be necessary for the administration and
3 enforcement of this chapter.

4 (d) Except as otherwise provided in this section, examine, at any
5 time during the business hours of the day, the books, papers and
6 records of any fully regulated carrier, and of any other common,
7 contract or private motor carrier doing business in this state to the
8 extent necessary for their respective duties. The Authority ~~[and]~~ ,
9 *the Department of Motor Vehicles and the Department of Public*
10 *Safety* may examine in other states or require by subpoena the
11 production inside this state of such books, papers and records as are
12 not maintained in this state.

13 (e) Temporarily waive any requirement for a certificate or
14 permit when an emergency exists as defined in NRS 706.561.

15 2. No personnel records of an employee of a fully regulated
16 carrier, or of any other common, contract or private motor carrier
17 may be examined pursuant to paragraph (d) of subsection 1 unless
18 the records contain information relating to a matter of public safety
19 or the Authority , *the Department of Motor Vehicles* and the
20 Department *of Public Safety* determine that the examination is
21 required to protect the interests of the public.

22 3. The Department *of Motor Vehicles* may adopt regulations to
23 ensure the payment of any fee due or authorized pursuant to the
24 provisions of this chapter.

25 4. As used in this section, "personnel records" does not
26 include:

- 27 (a) The name of the employee who is the subject of the record;
- 28 (b) The gross compensation and perquisites of the employee;
- 29 (c) Any record of the business expenses of the employee;
- 30 (d) The title or any description of the position held by the
31 employee;
- 32 (e) The qualifications required for the position held by the
33 employee;
- 34 (f) The business address of the employee;
- 35 (g) The telephone number of the employee at his place of
36 business;
- 37 (h) The work schedule of the employee;
- 38 (i) The date on which the employee began his employment; and
- 39 (j) If applicable, the date on which the employment of the
40 employee was terminated.

41 **Sec. 4.** NRS 706.173 is hereby amended to read as follows:

42 706.173 1. The Authority , *the Department of Motor*
43 *Vehicles* or the Department *of Public Safety* may, by regulation
44 applicable to common, contract and private motor carriers of



1 passengers and property, adopt standards for safety for drivers and
2 vehicles.

3 2. The Department *of Motor Vehicles or the Department of*
4 *Public Safety* may, by regulation applicable to all motor vehicles
5 transporting hazardous materials, adopt standards for the
6 transportation of hazardous materials and hazardous waste as
7 defined in NRS 459.430.

8 **Sec. 5.** NRS 706.231 is hereby amended to read as follows:

9 706.231 Sheriffs and all other peace officers and traffic officers
10 of this state are charged with the duty, without further
11 compensation, of assisting in the enforcement of this chapter. They
12 shall make arrests for this purpose when requested by an authorized
13 agent of the Department ~~of~~ *of Motor Vehicles, the Department of*
14 *Public Safety, the* Authority or other competent authority.

15 **Sec. 6.** NRS 706.235 is hereby amended to read as follows:

16 706.235 1. Whenever a peace officer detains the driver of a
17 heavy-duty motor vehicle for a violation of any provision of this
18 chapter or any other specific statute or regulation relating to the
19 equipment, lights, brakes, tires, mechanisms or safety appliances
20 required of such a vehicle, the peace officer shall, in lieu of arresting
21 the driver, prepare manually or electronically and issue a citation, a
22 notice of correction, or both. If a notice of correction is issued, it
23 must set forth the violation with particularity and specify the
24 corrective action which must be taken.

25 2. If, at the time of the issuance of a citation or a notice of
26 correction, the peace officer determines that the vehicle is unsafe
27 and poses an immediate threat to the life of the driver or any other
28 person upon a public highway, the peace officer may require that the
29 vehicle be taken to the nearest garage or other place where the
30 vehicle may be safely repaired. If the vehicle is transporting wet
31 concrete or other perishable cargo and does not pose an immediate
32 threat to life, and if the destination of the vehicle is within a distance
33 of not more than 15 miles, the peace officer shall not delay the
34 vehicle for more than 15 minutes and shall permit the vehicle to
35 proceed to its destination and unload its cargo. Upon the arrival of
36 the vehicle at its destination, the peace officer may order that the
37 vehicle be taken, after the cargo of the vehicle has been unloaded, to
38 the nearest garage or other place where the vehicle may be safely
39 repaired.

40 3. As used in this section:

41 (a) "Heavy-duty motor vehicle" means a motor vehicle which:

42 (1) Has a manufacturer's gross vehicle weight rating of
43 10,000 pounds or more; and



1 (2) Is owned or leased by or otherwise used in the regular
2 course of the business of a common, contract or private motor
3 carrier.

4 (b) "Peace officer" means:

5 (1) A peace officer or an inspector of the Department ~~of~~ *of*
6 *Motor Vehicles or Department of Public Safety*; or

7 (2) A sheriff, peace officer or traffic officer assisting in the
8 enforcement of the provisions of this chapter.

9 **Sec. 7.** NRS 706.246 is hereby amended to read as follows:

10 706.246 Except as otherwise provided in NRS 706.235:

11 1. A common or contract motor carrier shall not permit or
12 require a driver to drive or tow any vehicle revealed by inspection or
13 operation to be in such condition that its operation would be
14 hazardous or likely to result in a breakdown of the vehicle, and a
15 driver shall not drive or tow any vehicle which by reason of its
16 mechanical condition is so imminently hazardous to operate as to be
17 likely to cause an accident or a breakdown of the vehicle. If, while
18 any vehicle is being operated on a highway, it is discovered to be in
19 such an unsafe condition, it may be continued in operation, except
20 as further limited by subsection 2, only to the nearest place where
21 repairs can safely be effected, and even that operation may be
22 conducted only if it is less hazardous to the public than permitting
23 the vehicle to remain on the highway.

24 2. A common or contract motor carrier or private motor carrier
25 shall not permit or require a driver to drive or tow, and a driver shall
26 not drive or tow, any vehicle which:

27 (a) By reason of its mechanical condition is so imminently
28 hazardous to operate as to be likely to cause an accident or a
29 breakdown; and

30 (b) Has been declared "out of service" by an authorized
31 employee of the Authority, *the Department of Motor Vehicles* or
32 the Department ~~of~~ *of Public Safety*.

33 When the repairs have been made, the carrier shall so certify to the
34 Authority or the Department ~~[-, whichever agency] that~~ declared the
35 vehicle "out of service," as required by the Authority or ~~the] that~~
36 Department.

37 **Sec. 8.** This act becomes effective on July 1, 2003.

