
SENATE BILL NO. 167—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY)

FEBRUARY 11, 1999

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing issuance of permits to motor carriers transporting radioactive wastes. (BDR 40-746)

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

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

AN ACT relating to the transportation of radioactive waste; revising the provisions governing the issuance of permits by the Nevada highway patrol division of the department of motor vehicles and public safety to common, contract and private motor carriers transporting radioactive waste in this state; providing for the imposition of an assessment upon such carriers under certain circumstances; 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 459 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 ***1. The division shall not issue a permit required pursuant to NRS***
4 ***459.705 to a common, contract or private motor carrier of property that***
5 ***is seeking to transport radioactive waste upon the highways of this state***
6 ***without first determining that the carrier transporting the waste is in***
7 ***compliance and will continue to comply with all laws and regulations of***
8 ***this state and the Federal Government respecting the handling and***
9 ***transportation of radioactive waste and the safety of drivers and vehicles.***

10 ***2. Any common, contract or private motor carrier that maintains its***
11 ***books and records outside of this state must, in addition to any other***
12 ***assessments and fees provided by law, be assessed by the division for an***
13 ***amount equal to the travel expenses, including the excess of the out-of-***
14 ***state subsistence allowances over the in-state subsistence allowances, as***

1 *fixed by NRS 281.160, of employees of the division for investigations,*
2 *inspections and audits which may be required to be performed outside of*
3 *this state in carrying out the provisions of subsection 1.*

4 **3.** *The assessment provided for in subsection 2 must be determined*
5 *by the division upon the completion of each such investigation,*
6 *inspection or audit and is due within 30 days after the date on which the*
7 *affected common, contract or private motor carrier receives the*
8 *assessment. The records of the division relating to the additional costs*
9 *incurred by reason of necessary travel must be open for inspection by the*
10 *affected carrier at any time within the 30-day period.*

11 **Sec. 2.** NRS 459.700 is hereby amended to read as follows:

12 459.700 As used in NRS 459.700 to 459.780, inclusive, **and section 1**
13 **of this act**, unless the context otherwise requires, the words and terms
14 defined in NRS 459.701 to 459.7028, inclusive, have the meanings
15 ascribed to them in those sections.

16 **Sec. 3.** NRS 459.705 is hereby amended to read as follows:

17 459.705 1. Every person who transports in a motor vehicle upon the
18 highways of this state hazardous materials which are required to be
19 placarded in accordance with federal law shall, pursuant to regulations of
20 the department:

21 (a) Obtain from the division a permit to transport the hazardous
22 materials.

23 (b) Submit each motor vehicle used to transport the hazardous materials
24 for an inspection pursuant to the regulations of the department as to the
25 safety of the vehicle to transport hazardous materials.

26 2. Except as otherwise provided in subsection 3, the department shall
27 adopt regulations concerning such permits. The regulations may require
28 that the permit or a legible copy of the permit be carried in the driver's
29 compartment of the motor vehicle at all times while the vehicle is used to
30 transport hazardous materials.

31 3. The department shall not adopt any regulation requiring such a
32 permit or requiring recordkeeping for the purposes of such a permit for a
33 motor vehicle unless the motor vehicle is actually used to transport
34 hazardous material:

35 (a) Of a type and amount for which a vehicle transporting the substance
36 must be placarded pursuant to 49 C.F.R. Part 172;

37 (b) Of a type and amount for which a uniform hazardous waste manifest
38 is required pursuant to 40 C.F.R. Part 262;

39 (c) Which is transported in bulk packaging, as defined in 49 C.F.R. §
40 171.8; or

41 (d) Identified as a hazardous material pursuant to NRS 459.710.

1 4. In addition to complying with the provisions of this section and any
2 regulations adopted pursuant thereto, the division shall comply with the
3 provisions of NRS 459.707 and 459.708 **and section 1 of this act** if an
4 application is submitted for a permit to transport radioactive waste.

5 **Sec. 4.** NRS 459.707 is hereby amended to read as follows:

6 459.707 1. The division shall revoke a permit to transport radioactive
7 waste issued pursuant to NRS 459.705 **and section 1 of this act** if it finds
8 that, while transporting radioactive waste, the carrier has failed to comply
9 with any laws or regulations of this state or the Federal Government
10 respecting the handling or transport of radioactive waste and the safety of
11 drivers or vehicles.

12 2. The division shall notify the department upon receiving information
13 that, while transporting radioactive waste, a carrier has failed to comply
14 with any laws or regulations of this state or the Federal Government
15 respecting the handling or transport of radioactive waste and the safety of
16 drivers or vehicles. Upon being notified, the department may:

17 (a) Revoke its written approval given pursuant to NRS 706.437; or

18 (b) In the case of a carrier whose certificate is issued by the former
19 Interstate Commerce Commission or the Surface Transportation Board, file
20 a complaint with the Surface Transportation Board.