
SENATE BILL NO. 82—COMMITTEE ON TRANSPORTATION

FEBRUARY 2, 1999

Referred to Committee on Natural Resources

SUMMARY—Eliminates authority for imposing certain fees for inspection and regulation of motor vehicles that transport hazardous materials. (BDR 40-191)

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 ~~omitted material~~ is material to be omitted.

AN ACT relating to hazardous materials; eliminating the authority of the director of the department of motor vehicles and public safety to adopt regulations imposing certain fees for the inspection and regulation of motor vehicles that transport hazardous materials; 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 459.500 is hereby amended to read as follows:
2 459.500 1. Except as otherwise provided in NRS 459.700 to
3 459.780, inclusive, or 459.800 to 459.856, inclusive:
4 (a) Regulations of the commission must provide:
5 (1) For safety in packaging, handling, transportation and disposal of
6 hazardous waste, including safety of vehicles and drivers;
7 (2) For the certification of consultants involved in consultation
8 regarding the response to and the clean up of leaks of hazardous waste,
9 hazardous material or a regulated substance from underground storage
10 tanks, the clean up of spills of or accidents involving hazardous waste,
11 hazardous material or a regulated substance, or the management of
12 hazardous waste; and
13 (3) That a person employed full time by a business to act as such a
14 consultant is exempt from the requirements of certification:
15 (I) If he is certified by the federal Occupational Safety and Health
16 Administration to manage such waste, materials or substances; and
17 (II) While acting in the course of that full-time employment.

(b) Regulations of the commission may:

(1) Provide for the licensing and other necessary regulation of generators, including shippers, brokers and carriers, both intrastate and interstate, who cause that waste to be transported into or through Nevada or for disposal in Nevada;

(2) Require that the person responsible for a spill, leak or accident involving hazardous waste, hazardous material or a regulated substance, obtain advice on the proper handling of the spill, leak or accident from a consultant certified under the regulations adopted pursuant to ~~subsection 1;~~ **this subsection;** and

(3) Establish standards relating to the education, experience, performance and financial responsibility required for the certification of consultants.

2. The regulations may include provisions for:

(a) Fees to pay the cost of inspection, certification and other regulation ~~for~~, **except for inspection or other regulation pursuant to NRS 459.710;** and

(b) Administrative penalties of not more than \$2,500 per violation or \$10,000 per shipment for violations by persons licensed by the department, and the criminal prosecution of violations of its regulations by persons who are not licensed by the department.

3. Designated employees of the department and the Nevada highway patrol shall enforce the regulations of the commission relating to the transport and handling of hazardous waste, as they affect the safety of drivers and vehicles and the leakage or spill of that waste from packages.

Sec. 2. NRS 459.710 is hereby amended to read as follows:

459.710 1. The director shall adopt regulations providing for the:

(a) Granting, renewal, modification, suspension, revocation and denial of permits for motor vehicles which transport hazardous materials.

(b) Inspection of motor vehicles which transport hazardous materials on the highways of this state.

(c) Identification and listing of hazardous materials.

2. The regulations adopted pursuant to subsection 1 must include provisions for fees to pay the cost of ~~inspection,~~ issuing a permit . ~~and other regulation. All such~~ **The fees so** adopted must be set to approximate the cost of ~~providing the service for which the fee is charged.~~ **issuing a permit.** Except as otherwise provided in subsection 3, money received by the division from the fees must be deposited with the state treasurer for credit to the state highway fund. The interest and income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. Money received pursuant to this section must only be used for carrying out the provisions of NRS 459.705 to 459.725, inclusive.

1 3. The division shall deposit 20 percent of the money collected from
2 fees imposed pursuant to this section with the state treasurer for credit to
3 the contingency account for hazardous materials.

4 4. The division shall issue an identifying device to each motor vehicle
5 transporting hazardous materials upon receipt of the appropriate application
6 and fee and the satisfactory completion of the inspection for safety.

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