

SENATE BILL NO. 245—SENATOR HARDY

MARCH 21, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Establishes provisions concerning hours of service for intrastate drivers. (BDR 58-80)

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

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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 motor carriers; establishing provisions concerning hours of service for intrastate drivers; providing certain exceptions; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. *As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Commercial motor vehicle” has the meaning ascribed to it in 49 C.F.R. § 350.105.*

Sec. 4. *“Hours-of-service limitations” means:*

- 1. The limitations set forth in section 8 of this act; and*
- 2. Any limitations set forth in federal law as to the number of hours that an interstate driver may drive, which limitations would otherwise be imposed upon intrastate drivers pursuant to regulations adopted by reference by the Authority, Department of Motor Vehicles or Department of Public Safety.*



1 **Sec. 5.** *“Intrastate driver” means a driver who operates a*
2 *commercial motor vehicle exclusively within this State for a period*
3 *of 7 or more consecutive days.*

4 **Sec. 6.** *“Motor carrier” has the meaning ascribed to it in 49*
5 *C.F.R. § 350.105.*

6 **Sec. 7.** *“On-duty time” has the meaning ascribed to it in 49*
7 *C.F.R. § 395.2.*

8 **Sec. 8.** *Except as otherwise provided in sections 9 and 10 of*
9 *this act, a motor carrier shall not allow or require an intrastate*
10 *driver to drive, and an intrastate driver shall not drive:*

11 1. *Within any 24-hour period:*

12 (a) *More than 12 hours following 8 consecutive hours off*
13 *duty; or*

14 (b) *For any number of hours after having accrued more than*
15 *15 consecutive hours of on-duty time; or*

16 2. *Within any period of 7 consecutive days, after having*
17 *accrued 70 hours of on-duty time.*

18 **Sec. 9.** 1. *Hours-of-service limitations do not apply to:*

19 (a) *A driver of an authorized emergency vehicle;*

20 (b) *A driver who operates a motor vehicle that:*

21 (1) *Has a manufacturer’s gross vehicle weight rating of*
22 *26,000 pounds or less;*

23 (2) *Is not carrying hazardous material; and*

24 (3) *Is not designed or used to transport 16 or more persons,*
25 *including the driver; or*

26 (c) *A driver of a tow car operating at the request of a law*
27 *enforcement officer.*

28 2. *As used in this section, “authorized emergency vehicle”*
29 *has the meaning ascribed to it in NRS 484.017.*

30 **Sec. 10.** 1. *Hours-of-service limitations do not apply to an*
31 *intrastate driver if:*

32 (a) *The driver is transporting property or passengers during an*
33 *emergency; and*

34 (b) *The employer of the driver has declared and documented*
35 *that:*

36 (1) *An emergency exists; and*

37 (2) *The existence of the emergency justifies the*
38 *transportation of property or passengers during the emergency to*
39 *assure the protection of public health and safety or to provide*
40 *other essential assistance to the public.*

41 2. *An employer who declares and documents an emergency*
42 *as described in subsection 1 shall maintain documentation of the*
43 *emergency for 1 year and shall make such documentation*
44 *available to a law enforcement officer upon request.*



1 3. As used in this section, “emergency” means a natural or
2 man-made occurrence that:

3 (a) Interrupts delivery of essential services, including, without
4 limitation, electricity, medical care, sewer service, water service or
5 telecommunications service;

6 (b) Interrupts delivery of essential supplies, including, without
7 limitation, food and fuel; or

8 (c) Otherwise threatens human life or public welfare.

9 ↪ The term includes, without limitation, a tornado, windstorm,
10 thunderstorm, snowstorm, ice storm, blizzard, drought, mudslide,
11 flood, high water, earthquake, forest fire, explosion or power
12 outage.

13 **Sec. 11. 1.** An interstate driver is not required to maintain a
14 record of duty status if:

15 (a) The driver operates within a radius of 150 air miles from:

16 (1) The location at which the driver normally reports to
17 work; or

18 (2) The worksite to which the vehicle is officially assigned
19 or at which the vehicle is officially stationed;

20 (b) At least 8 consecutive hours off duty separate each 12
21 hours of on-duty time;

22 (c) The driver, except for a driver-salesperson, returns to the
23 location at which he normally reports to work and is released from
24 work within 12 consecutive hours; and

25 (d) The motor carrier that employs the driver maintains and
26 retains for a period of not less than 6 months accurate records
27 showing the time the driver reports for work and is released from
28 work each day.

29 2. As used in this section:

30 (a) “Driver-salesperson” has the meaning ascribed to it in 49
31 C.F.R. § 395.2.

32 (b) “Record of duty status” means the record described in 49
33 C.F.R. § 395.8.

34 **Sec. 12.** NRS 706.011 is hereby amended to read as follows:

35 706.011 As used in NRS 706.011 to 706.791, inclusive, **and**
36 **sections 2 to 11, inclusive, of this act**, unless the context otherwise
37 requires, the words and terms defined in NRS 706.013 to 706.146,
38 inclusive, have the meanings ascribed to them in those sections.

39 **Sec. 13.** NRS 706.776 is hereby amended to read as follows:

40 706.776 1. ~~{The}~~ **Except as otherwise provided in sections 2**
41 **to 11, inclusive, of this act, the** owner or operator of a motor vehicle
42 to which any provisions of NRS 706.011 to 706.861, inclusive, **and**
43 **sections 2 to 11, inclusive, of this act** apply carrying passengers or
44 property on any highway in the State of Nevada shall not require or
45 permit any driver of the motor vehicle to drive it in any one period



- 1 longer than the time permitted for that period by the order of the
- 2 Authority or the Department.
- 3 2. In addition to other persons so required, the Labor
- 4 Commissioner shall enforce the provisions of this section.

