

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:

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

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

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

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

- 11 1. *The limitations set forth in section 8 of this act; and*
12 2. *Any limitations set forth in federal law as to the number of*
13 *hours that an interstate driver may drive, which limitations would*
14 *otherwise be imposed upon intrastate drivers pursuant to*
15 *regulations adopted by reference by the Authority, Department of*
16 *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 section 9 of this act, a*
9 *motor carrier shall not allow or require an intrastate driver to*
10 *drive, and an intrastate driver shall not drive:*

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

12 (a) *More than 12 hours following 10 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. For the purposes of the*
18 *limitation set forth in this subsection, an intrastate driver begins a*
19 *new period of 7 consecutive days following 24 or more consecutive*
20 *hours off duty.*

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

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

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

24 (1) *Has a manufacturer’s gross vehicle weight rating of*
25 *26,000 pounds or less;*

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

27 (3) *Is not designed or used to transport 16 or more persons,*
28 *including the driver.*

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

31 **Sec. 10.** (Deleted by amendment.)

32 **Sec. 11.** 1. *An intrastate driver is not required to maintain*
33 *a record of duty status if:*

34 (a) *The driver operates within a radius of 100 air miles from:*

35 (1) *The location at which the driver normally reports to*
36 *work; or*

37 (2) *The worksite to which the vehicle is officially assigned*
38 *or at which the vehicle is officially stationed;*

39 (b) *At least 10 consecutive hours off duty separate each 12*
40 *hours of on-duty time;*

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

44 (d) *The motor carrier that employs the driver maintains and*
45 *retains for a period of not less than 6 months accurate records*



1 *showing the time the driver reports for work and is released from*
2 *work each day.*

3 2. *As used in this section:*

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

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

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

9 706.011 As used in NRS 706.011 to 706.791, inclusive, *and*
10 *sections 2 to 11, inclusive, of this act*, unless the context otherwise
11 requires, the words and terms defined in NRS 706.013 to 706.146,
12 inclusive, have the meanings ascribed to them in those sections.

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

14 706.776 1. ~~{The}~~ *Except as otherwise provided in sections 2*
15 *to 11, inclusive, of this act, the* owner or operator of a motor vehicle
16 to which any provisions of NRS 706.011 to 706.861, inclusive, *and*
17 *sections 2 to 11, inclusive, of this act* apply carrying passengers or
18 property on any highway in the State of Nevada shall not require or
19 permit any driver of the motor vehicle to drive it in any one period
20 longer than the time permitted for that period by the order of the
21 Authority or the Department.

22 2. In addition to other persons so required, the Labor
23 Commissioner shall enforce the provisions of this section.

24 **Sec. 14.** This act becomes effective on July 1, 2005.



