

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 6, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 6, inclusive, of this act, unless*
5 *the context otherwise requires, the words and terms defined in*
6 *sections 3 and 4 of this act have the meanings ascribed to them in*
7 *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.** *“Intrastate driver” means a driver who operates a*
11 *commercial motor vehicle exclusively within this State for a period*
12 *of 7 or more consecutive days.*

13 **Sec. 5. 1.** *Except as otherwise provided in section 6 of this*
14 *act, a motor carrier shall not allow or require an intrastate driver*
15 *to drive, and an intrastate driver shall not drive:*

16 (a) *Within any 24-hour period:*

17 (1) *More than 12 hours following 10 consecutive hours off*
18 *duty; or*



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

(b) Within any period of 7 consecutive days, after having accrued 70 hours of on-duty time.

2. As used in this section:

(a) "Motor carrier" has the meaning ascribed to it in 49 C.F.R. § 350.105.

(b) "On-duty time" has the meaning ascribed to it in 49 C.F.R. § 395.2.

Sec. 6. 1. Except as otherwise provided in this section, hours-of-service limitations do not apply to an intrastate driver if each of the following conditions is satisfied:

(a) The intrastate driver is transporting property or passengers during:

(1) A state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070; or

(2) An emergency declared by an elected local governmental official who is authorized by law to make such a declaration.

(b) The employer of the intrastate driver is a public utility.

(c) The employer of the intrastate driver, within 1 working day after discovering or otherwise becoming aware of the existence of a public utility emergency, notifies the Department of Public Safety or appropriate local governmental officials of:

(1) The fact that a public utility emergency exists; and

(2) The date on which and time at which the public utility emergency commenced.

↪ The notification required pursuant to this paragraph may be made by telephone, facsimile, electronic communication or hand delivery of a written communication.

(d) Within 10 working days after receiving a notification described in paragraph (c), an elected state or local governmental official, or his designee, determines and declares that a public utility emergency exists and that the public utility emergency justifies the transportation of property or passengers during the emergency to ensure the protection of public health and safety by way of the restoration of public utility service or to otherwise provide assistance essential to the public. After making a declaration as described in this paragraph, the elected state or local governmental official, or his designee, as applicable, shall ensure that the declaration is communicated forthwith and without delay to the public utility which made the notification pursuant to paragraph (c).

2. For the purposes of paragraph (d) of subsection 1:



1 (a) A declaration by an elected state or local governmental
2 official, or his designee, as applicable, is retroactive to the date on
3 which and time at which the public utility emergency commenced,
4 as communicated in the notification from the relevant public
5 utility, unless the elected state or local governmental official, or
6 his designee, as applicable, determines that the public utility
7 emergency commenced on a different date or at a different time.

8 (b) If, after receiving a notification described in paragraph (c)
9 of subsection 1, an elected state or local governmental official, or
10 his designee, as applicable, fails to make a determination and
11 declaration within 10 working days:

12 (1) The elected state or local governmental official, or his
13 designee, as applicable, shall be deemed to have determined and
14 declared that a public utility emergency exists and that the public
15 utility emergency justifies the transportation of property or
16 passengers during the emergency to ensure the protection of
17 public health and safety by way of the restoration of public utility
18 service or to otherwise provide assistance essential to the public;
19 and

20 (2) The deemed determination and declaration is
21 retroactive to the date on which and time at which the public
22 utility emergency commenced, as communicated in the
23 notification from the relevant public utility.

24 3. An employer who notifies a public official of the existence
25 of a public utility emergency as described in subsection 1 shall
26 maintain documentation of the public utility emergency for 6
27 months and shall make such documentation available to a law
28 enforcement officer upon request.

29 4. The provisions of this section do not apply to the extent
30 that those provisions:

31 (a) Are preempted or prohibited by federal law; or

32 (b) Violate a condition to the receipt of federal money by this
33 State or a political subdivision of this State.

34 5. As used in this section:

35 (a) "Hours-of-service limitations" means:

36 (1) The limitations set forth in section 5 of this act; and

37 (2) Any limitations set forth in federal law as to the number
38 of hours that an interstate driver may drive, which limitations
39 would otherwise be imposed upon intrastate drivers pursuant to
40 regulations adopted by reference by the Authority, Department of
41 Motor Vehicles or Department of Public Safety.

42 (b) "Public utility" has the meaning ascribed to it in
43 NRS 704.020.

44 (c) "Public utility emergency" means a natural or man-made
45 emergency that affects the facilities of a public utility and:



(1) Interrupts delivery of essential services, including, without limitation, electricity, natural gas, medical care, sewer service, water service or telecommunications service;

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

(3) Otherwise threatens human life or public welfare.

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

Sec. 7. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and sections 2 to 6, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 706.776 is hereby amended to read as follows:

706.776 1. ~~The~~ *Except as otherwise provided in sections 2 to 6, inclusive, of this act, the* owner or operator of a motor vehicle to which any provisions of NRS 706.011 to 706.861, inclusive, *and sections 2 to 6, inclusive, of this act* apply, carrying passengers or property on any highway in the State of Nevada shall not require or permit any driver of the motor vehicle to drive it in any one period longer than the time permitted for that period by the order of the Authority or the Department.

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

Sec. 9. This act becomes effective on July 1, 2005.

