

SENATE BILL NO. 300—SENATOR HARDY

MARCH 15, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Revises certain provisions governing hours-of-service limitations for intrastate drivers of certain commercial motor vehicles. (BDR 58-1319)

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; revising the definition of “intrastate driver” to exclude drivers who work for a public utility; repealing the exemption of commercial intrastate drivers from the hours-of-service limitations in certain emergencies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits motor carriers from permitting intrastate drivers to drive more than a certain number of hours within a single day or week but provides an exemption from the hours-of-service limitations to allow an intrastate driver who works for a public utility or an intrastate driver who is transporting property or passengers during a state of emergency declared by a governmental official to exceed the hours-of-service limitations. (NRS 706.678, 706.682, 706.687) Section 4132 of the Motor Carrier Safety Reauthorization Act of 2005 exempted drivers of certain utility service vehicles from the federal hours-of-service regulations adopted by the Federal Motor Carrier Safety Administration.

Section 2 of this bill exempts a driver who works for a public utility from the definition of an “intrastate driver” thereby allowing such a driver to be subject to federal hours-of-service regulations and exemptions. (NRS 706.678) **Section 5** of this bill repeals the provision exempting intrastate drivers from the hours-of-service limitations during a declared state of emergency. (NRS 706.687)



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

Section 1. NRS 706.672 is hereby amended to read as follows:
706.672 As used in NRS 706.672 to ~~[706.687,]~~ **706.692**, inclusive, unless the context otherwise requires, the words and terms defined in NRS 706.675 and 706.678 have the meanings ascribed to them in those sections.

Sec. 2. NRS 706.678 is hereby amended to read as follows:
706.678 "Intrastate driver" means a driver who operates a commercial motor vehicle exclusively within this State for a period of 7 or more consecutive days. *The term does not include a person who is an employee of a public utility, as that term is defined in NRS 704.020.*

Sec. 3. NRS 706.682 is hereby amended to read as follows:
706.682 1. ~~[Except as otherwise provided in NRS 706.687, a]~~
A motor carrier shall not allow or require an intrastate driver to drive, and an intrastate driver shall not drive:

(a) Within any 24-hour period:

(1) More than 12 hours following 10 consecutive hours off 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. 4. NRS 706.692 is hereby amended to read as follows:
706.692 1. Except as otherwise provided in NRS 706.672 to ~~[706.687,]~~ **706.692**, inclusive, the owner or operator of a motor vehicle to which any provisions of NRS 706.011 to 706.861, inclusive, 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. 5. NRS 706.687 is hereby repealed.



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TEXT OF REPEALED SECTION

706.687 Exemption for intrastate drivers of commercial motor vehicles for certain emergencies.

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:

(a) A declaration by an elected state or local governmental official, or his designee, as applicable, is retroactive to the date on which and time at which the public utility emergency commenced, as communicated in the notification from the relevant public utility,



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unless the elected state or local governmental official, or his designee, as applicable, determines that the public utility emergency commenced on a different date or at a different time.

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

(1) The elected state or local governmental official, or his designee, as applicable, shall be deemed to have determined and declared 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; and

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

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

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

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

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

5. As used in this section:

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

(1) The limitations set forth in NRS 706.682; 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.

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

(c) "Public utility emergency" means a natural or man-made 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



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- (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.

