

Amendment No. 211

Senate Amendment to Senate Bill No. 450 (BDR 43-1140)

Proposed by: Senate Committee on Transportation and Homeland Security**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

EAH/SGW



Date: 4/16/2007

S.B. No. 450—Makes various changes to provisions relating to the regulation of oversized and overweight vehicles. (BDR 43-1140)



SENATE BILL NO. 450—COMMITTEE ON TRANSPORTATION
AND HOMELAND SECURITY

MARCH 26, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Makes various changes to provisions relating to the regulation of oversized and overweight vehicles. (BDR 43-1140)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to transportation; establishing a regional advisory committee in each county whose population is 400,000 or more to advise the Department of Transportation on certain issues relating to oversized and overweight vehicles; removing the authority of a city or county to issue permits to operate oversized or overweight vehicles on the highways of this State; providing that the Department may adopt regulations limiting the movement of oversized or overweight vehicles; prohibiting a local authority from enacting an ordinance requiring a permit to operate a vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Transportation and the governing body of a county or a city to issue a permit to operate a vehicle that exceeds the maximum width, length, height or weight as prescribed by law. (NRS 484.7631, 484.765) **Section 2** of this bill establishes a regional advisory committee in every county in this State whose population is 400,000 or more to advise the Department **and affected cities and counties** on issues regarding oversized and overweight vehicles. **Section 3** of this bill provides that the regional advisory committees ~~may~~ **shall** make certain recommendations to the Department, and the Department may adopt regulations, regarding routes for oversized and overweight vehicles as well as the hours of the day and days of the week that best facilitate the safe movement of oversized and overweight vehicles. **Section 4** of this bill grants the Department the authority to issue certain permits for oversized and overweight vehicles. **Sections 9 and 12** of this bill remove the authority of a governing body of a city or county to issue a permit to operate a vehicle that exceeds the maximum width, length, height or weight as prescribed by law.

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

1 **Section 1.** Chapter 484 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** 1. *There is hereby created in each county whose population is*
4 *400,000 or more a regional advisory committee to make recommendations to the*
5 *Department of Transportation and to affected cities and counties, as applicable,*
6 *regarding the movement of oversized or overweight vehicles in this State.*

7 2. *The membership of such a committee must consist of:*

8 (a) *One member appointed by the Department of Transportation who shall*
9 *serve as the chair of the committee;*

10 (b) *One member appointed by the board of county commissioners;*

11 (c) *One member appointed by the city council of every incorporated city*
12 *within the county;*

13 (d) *One member appointed by the largest construction industry association in*
14 *the county; and*

15 (e) *One member appointed by the largest motor transport association in the*
16 *county.*

17 3. *Each member of such a committee must be appointed for a term of 2*
18 *years. A vacancy in the membership of the committee must be filled in the same*
19 *manner as the original appointment for the remainder of the unexpired term. A*
20 *member who is appointed to fill a vacancy must possess the same general*
21 *qualifications as his predecessor.*

22 4. *Members of such a committee shall serve without compensation.*

23 **Sec. 3.** 1. *Each committee established pursuant to section 2 of this act:*

24 (a) *Shall recommend to the Department of Transportation and the affected*
25 *cities and counties establishment of certain routes by which oversized or*
26 *overweight vehicles may proceed through ~~the~~ a city or county ~~and~~ and any*
27 *modifications to those routes; and*

28 (b) ~~*May*~~ *Shall recommend ~~and~~ regulations that the Department of*
29 *Transportation may adopt ~~regulations that~~ to limit the movement of oversized*
30 *or overweight vehicles to certain:*

31 (1) *Routes;*

32 (2) *Hours of the day; or*

33 (3) *Days of the week,*

34 *↪ to ensure public safety.*

35 2. *The Department of Transportation and the affected cities and counties*
36 *shall consider any recommendations concerning the movement of oversized or*
37 *overweight vehicles made by a committee established pursuant to section 2 of this*
38 *act.*

39 **Sec. 4.** *Upon receipt of the necessary application in writing, the*
40 *Department of Transportation shall issue a permit to operate or move a vehicle*
41 *on the highways of this State which has a load that:*

42 1. *Exceeds 14 feet in height;*

43 2. *Exceeds 70 feet in length; or*

44 3. *Exceeds 102 inches in width,*

45 *↪ unless the Department of Transportation determines that the operation of the*
46 *vehicle would be a safety hazard or impede the flow of traffic.*

47 **Sec. 5.** NRS 484.471 is hereby amended to read as follows:

48 484.471 1. A procession, except a funeral procession, or parade, except the
49 forces of the United States Armed Services, the military forces of this State and the

1 forces of the police and fire departments, must not occupy, march or proceed along
2 any highway except in accordance with the permit issued by the proper public
3 authority.

4 2. A sound truck or other vehicle equipped with an amplifier or loudspeaker
5 must not be driven upon any highway for the purpose of selling, offering for sale or
6 advertising in any fashion except in accordance with a permit issued by the proper
7 public authority.

8 3. An oversized or overweight vehicle or equipment must not be driven,
9 occupy or proceed upon any highway except in accordance with a permit issued by
10 the ~~proper public authority~~ *Department of Transportation*.

11 4. Any person who violates any provision of this section is guilty of a
12 misdemeanor.

13 **Sec. 6.** NRS 484.759 is hereby amended to read as follows:

14 484.759 1. As used in this section and NRS 484.760, "special mobile
15 equipment" means a vehicle, not self-propelled, not designed or used primarily for
16 the transportation of persons or property, and only incidentally operated or moved
17 over a highway, excepting implements of husbandry.

18 2. The Department of Transportation with respect to highways under its
19 jurisdiction and governing bodies of cities and counties with respect to roads under
20 their jurisdiction may, upon application in writing, authorize the applicant to
21 operate or move a vehicle, combination of vehicles, special mobile equipment, or
22 load thereon of a size or weight exceeding the legal maximum, or to use
23 corrugations on the periphery of the movable tracks on a traction engine or tractor,
24 the propulsive power of which is not exerted through wheels resting on the roadway
25 but by means of a flexible band or chain, or, under emergency conditions, to
26 operate or move a type of vehicle otherwise prohibited by law, upon any highway
27 under the jurisdiction of the Department of Transportation or governing body
28 granting that permit.

29 3. Except as otherwise provided in NRS 484.7595 to ~~484.7631~~ *484.7625*,
30 inclusive, the legal maximum width of any vehicle, combination of vehicles, special
31 mobile equipment or load thereon is 102 inches.

32 4. If a vehicle is equipped with pneumatic tires, the maximum width from the
33 outside of one wheel and tire to the outside of the opposite outer wheel and tire
34 must not exceed 108 inches, and the outside width of the body of the vehicle or the
35 load thereon must not exceed 102 inches.

36 5. Lights or devices which must be mounted upon a vehicle under this chapter
37 may extend beyond the permissible width of the vehicle to a distance not exceeding
38 10 inches on each side of the vehicle, but the maximum width must not exceed 126
39 inches.

40 6. Door handles, hinges, cable cinchers and chain binders may extend 3
41 inches on each side, but the maximum width of body and door handles, hinges,
42 cable cinchers or chain binders must not exceed 108 inches.

43 7. A person shall not operate a passenger vehicle on any highway with any
44 load carried thereon extending beyond the line of the hubcaps on its left side or
45 more than 6 inches beyond the line of the hubcaps on its right side.

46 **Sec. 7.** NRS 484.7605 is hereby amended to read as follows:

47 484.7605 1. If a vehicle is carrying a load of loosely piled agricultural
48 products such as hay, straw or leguminous plants in bulk but not crated, baled,
49 boxed or sacked, the load of loosely piled material and any loading racks retaining
50 the load must not exceed 120 inches in width.

51 2. The provisions of NRS 484.759 with respect to maximum widths do not
52 apply to implements of husbandry incidentally operated, transported, moved or

1 towed over a highway other than an interstate highway or a controlled-access
2 highway.

3 3. If an implement of husbandry is transported or moved as a load on another
4 vehicle over:

5 (a) An interstate highway or a controlled-access highway, and the load exceeds
6 102 inches in width, the movement is subject to the provisions of NRS ~~[484.7631]~~
7 **484.7625** and the regulations adopted pursuant thereto.

8 (b) Any highway other than an interstate highway or a controlled-access
9 highway, and the load exceeds 120 inches in width, the vehicle and load must not
10 be operated for a distance of more than 25 miles from the point of origin of the trip
11 and must not be operated at a speed in excess of 30 miles per hour.

12 **Sec. 8.** NRS 484.764 is hereby amended to read as follows:

13 484.764 The application for a permit under NRS 484.759 to ~~[484.7631]~~
14 **484.7625**, inclusive, must:

15 1. Specifically describe the vehicle or special mobile equipment and load to
16 be operated or moved and the particular highways over which the permit to operate
17 is requested.

18 2. State whether the permit is requested for a single trip, for continuous use or
19 for multiple trips over a limited time.

20 **Sec. 9.** NRS 484.765 is hereby amended to read as follows:

21 484.765 1. No vehicle operated or moved upon any public highway under
22 the authority of a continuous or multiple trip-limited time permit may exceed a
23 maximum weight of 20,000 pounds on any single axle. Before any continuous
24 permit is issued, the applicant shall pay a reasonable fee to be determined by the
25 Department of Transportation ~~[for the governing body of any city or county]~~ to pay
26 the costs and expenses of conducting an initial investigation of the highway or
27 highways involved.

28 2. If, after issuance of a continuous or multiple trip-limited time permit, ~~[by]~~
29 the Department of Transportation ~~[for the governing body of any city or county the~~
30 ~~Department or governing body]~~ finds that the traffic authorized by such continuous
31 or multiple trip-limited time permit has caused substantial highway distress, the
32 permit may be revoked summarily, but the revocation does not operate to prevent a
33 subsequent filing of a new application for another continuous or multiple trip-
34 limited time permit.

35 **Sec. 10.** NRS 484.769 is hereby amended to read as follows:

36 484.769 1. It is unlawful for any person to operate or move any vehicle or
37 equipment described in NRS 484.739 or 484.759 to ~~[484.7631]~~ **484.7625**,
38 inclusive, over any highway without first obtaining a permit, or to violate or evade
39 any of the terms or conditions of the permit when issued. A person violating any of
40 the provisions of NRS 484.759 to 484.767, inclusive, is guilty of a misdemeanor.

41 2. Any person operating or moving any vehicle or equipment described in
42 NRS 484.739 or 484.759 to ~~[484.7631]~~ **484.7625**, inclusive, over any highway
43 under the authorization of a permit for continuous use or multiple trips over a
44 limited time and who violates any weight limitation in excess of the weight
45 authorized by the permit must be punished, upon conviction, as provided in
46 NRS 484.757.

47 **Sec. 11.** NRS 484.777 is hereby amended to read as follows:

48 484.777 1. The provisions of this chapter are applicable and uniform
49 throughout this State on all highways to which the public has a right of access or to
50 which persons have access as invitees or licensees.

51 2. ~~[Unless]~~ **Except as otherwise provided in subsection 3 and unless**
52 otherwise provided by specific statute, any local authority may enact by ordinance
53 traffic regulations which cover the same subject matter as the various sections of

1 this chapter if the provisions of the ordinance are not in conflict with this chapter ~~or~~
2 *or regulations adopted pursuant thereto*. It may also enact by ordinance
3 regulations requiring the registration and licensing of bicycles.

4 3. A local authority shall not enact an ordinance:

5 (a) Governing the registration of vehicles and the licensing of drivers;

6 (b) Governing the duties and obligations of persons involved in traffic
7 accidents, other than the duties to stop, render aid and provide necessary
8 information; ~~or~~

9 (c) Providing a penalty for an offense for which the penalty prescribed by this
10 chapter is greater than that imposed for a misdemeanor ~~or~~; *or*

11 *(d) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in*
12 *this State.*

13 4. No person convicted or adjudged guilty of a violation of a traffic ordinance
14 may be charged or tried in any other court in this State for the same offense.

15 **Sec. 12.** NRS 484.7631 is hereby repealed.

16 **Sec. 13.** This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

484.7631 Permit to operate oversized vehicle; coordination with affected entities; regulations limiting hours, days or routes for movement of oversized vehicle; meetings with affected industries; expedited procedure.

1. In a county whose population is less than 400,000, the Department of Transportation with respect to highways under its jurisdiction and the governing body of the county or a city in the county with respect to roadways under the jurisdiction of the county or city may, upon request, issue a permit to operate a vehicle, or a vehicle with a load that exceeds the legal maximum width, length or height for the vehicle, unless the Department or governing body determines that the operation would be a safety hazard or would unduly impede the flow of traffic.

2. In a county whose population is 400,000 or more:

(a) If the operation of a vehicle specified in subsection 1 will not include operation on the state highway system established pursuant to chapter 408 of NRS, the governing body of the county and each city in the county may, upon request, issue a permit to operate the vehicle on a roadway in that city or county:

(1) If the governing body has jurisdiction over the roadway at the point of origination of the route of the vehicle; and

(2) Unless the governing body determines that the operation would be a safety hazard or would unduly impede the flow of traffic; or

(b) If the operation of the vehicle will include operation on the state highway system established pursuant to chapter 408 of NRS, the Department of Transportation shall, upon request, issue a permit to operate the vehicle on a highway in that county, unless the Department of Transportation determines that the operation would be a safety hazard or would unduly impede the flow of traffic. A holder of a permit issued pursuant to this paragraph is not required to obtain a permit pursuant to paragraph (a) before operating the vehicle in accordance with the permit issued pursuant to this paragraph.

3. Before issuing a permit pursuant to subsection 2, the Department of Transportation or the governing body shall coordinate the issuance of the permit with each entity that will be affected by the issuance of the permit.

4. A governing body shall issue single-trip permits and annual permits pursuant to subsection 2 that are consistent, to the greatest extent practicable, with the regulations adopted by the Department of Transportation pursuant to subsection 5.

5. Except as otherwise provided in this section, the Department of Transportation with respect to highways under its jurisdiction and the governing body of a city or county with respect to roadways under its jurisdiction may adopt regulations providing for an annual permit or a permit for a single trip for a vehicle, or a vehicle with a load exceeding 102 inches in width, 14 feet in height or 70 feet in length, and limiting the movement of the vehicle to certain hours of the day, days of the week or routes considered necessary to protect public safety. If the Department of Transportation and a governing body of a city or county adopt regulations pursuant to this section, the regulations adopted by the governing body must be consistent, to the greatest extent practicable, with the regulations adopted by the Department of Transportation.

6. The Department of Transportation and each governing body specified in subsection 2 shall:

(a) Periodically meet with persons who represent industries that are affected by any regulations adopted by the Department of Transportation or the governing body relating to the issuance of permits pursuant to this section, including, but not limited to, regulations concerning fees for those permits;

(b) At each meeting specified in paragraph (a), review and consider the regulations specified in that paragraph and any proposed amendments to the regulations; and

(c) To the greatest extent practicable, ensure that the regulations are consistent.

7. The Department of Transportation and each governing body that issues a permit pursuant to subsection 2 shall, to the greatest extent practicable, establish an expedited procedure for issuing a permit for a vehicle or a vehicle with a load that does not exceed 15 feet in height or 110 feet in length:

(a) Within 1 working day after the Department of Transportation or the governing body receives a request for the permit, if the vehicle or the vehicle with a load for which the permit is submitted has a width of 144 inches or less; or

(b) Within 2 working days after the Department of Transportation or the governing body receives a request for the permit, if the vehicle or the vehicle with a load for which the permit is submitted has a width of more than 144 inches but not more than 168 inches.