

ASSEMBLY BILL NO. 372—ASSEMBLYMAN CARPENTER

MARCH 16, 2009

Referred to Committee on Transportation

SUMMARY—Makes various changes concerning registration of commercial motor vehicles. (BDR 43-1015)

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 commercial motor vehicles; revising provisions regarding gross vehicle weight ratings and enforcement of weight limitations on certain motor vehicles and motor carriers; providing for administrative fines for certain violations by motor carriers; revising provisions relating to purchase by motor carriers of temporary permits; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the Department of Motor Vehicles collects an additional registration fee on every motortruck, truck-tractor or bus in this State based on the declared gross weight of the vehicle, and it is unlawful for a person to operate a motor vehicle on the highways of this State if the motor vehicle exceeds its declared gross weight. (NRS 482.482, 484.744) **Section 5** of this bill amends provisions to require a person who has been convicted of or who pleaded guilty to operating a motortruck, truck-tractor or bus on the highways of this State in excess of the declared gross weight of the vehicle to reregister the vehicle based on its actual gross vehicle weight rating or combined gross vehicle weight rating, as applicable. **Sections 2 and 3** of this bill provide that the definitions of the terms “gross vehicle weight rating” and “combined gross vehicle weight rating” are based on the maximum gross weight designated by the manufacturer at which the vehicle or combination of vehicles can be operated.

Sections 7 and 8 of this bill add the definitions of “gross vehicle weight rating” and “combined gross vehicle weight rating” to chapter 706 of NRS, regarding motor carriers. **Section 9** of this bill authorizes the Department to impose various administrative fines for violations of chapter 706 of NRS, and **section 10** of this bill provides that the Department shall require a bond from any common motor carrier, contract motor carrier or private motor carrier of property who is determined by the Department to be habitually delinquent in payments of amounts due to the Department pursuant to chapter 706 of NRS.



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Existing law provides that certain motor carriers may purchase a temporary permit to travel over the highways of this State in lieu of obtaining certain licensing and registration in this State. (NRS 706.521) Under existing law, the temporary permit must be purchased by the motor carrier from the nearest available vendor to the point of entry into the State before or after entering the State, or from the first vendor located along the route of travel. (NRS 706.541) **Section 13** of this bill amends the provision regarding purchase of a temporary permit to require a motor carrier to purchase the temporary permit before entering the State.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *“Combined gross vehicle weight rating” means the maximum gross weight, as designated by the manufacturer, that a vehicle is capable of towing in combination with its own gross vehicle weight rating.*

Sec. 3. *“Gross vehicle weight rating” means the maximum gross weight, as designated by the manufacturer, at which a vehicle is capable of being operated, including any load the vehicle is capable of carrying but excluding any weight the vehicle is capable of towing.*

Sec. 4. NRS 482.010 is hereby amended to read as follows:

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 482.482 is hereby amended to read as follows:

482.482 1. In addition to any other applicable fee listed in NRS 482.480, there must be paid to the Department for the registration of every motortruck, truck-tractor or bus which has a declared gross weight of:

(a) Less than 6,000 pounds, a fee of \$33.

(b) Not less than 6,000 pounds and not more than 8,499 pounds, a fee of \$38.

(c) Not less than 8,500 pounds and not more than 10,000 pounds, a fee of \$48.

(d) Not less than 10,001 pounds and not more than 26,000 pounds, a fee of \$12 for each 1,000 pounds or fraction thereof.

(e) Not less than 26,001 pounds and not more than 80,000 pounds, a fee of \$17 for each 1,000 pounds or fraction thereof. The maximum fee is \$1,360.

2. Except as otherwise provided in subsection 6, the original or renewal registration fees for fleets of vehicles with a declared gross weight in excess of 26,000 pounds and the governmental services



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1 tax imposed by the provisions of chapter 371 of NRS for the
2 privilege of operating those vehicles may be paid in installments, the
3 amount of which must be determined by regulation. The Department
4 shall not allow installment payments for a vehicle added to a fleet
5 after the original or renewal registration is issued.

6 3. If the due date of any installment falls on a Saturday, Sunday
7 or legal holiday, that installment is not due until the next following
8 business day.

9 4. Any payment required by subsection 2 shall be deemed
10 received by the Department on the date shown by the post office
11 cancellation mark stamped on an envelope containing payment
12 properly addressed to the Department, if that date is earlier than the
13 actual receipt of that payment.

14 5. A person who fails to pay any fee pursuant to subsection 2
15 or governmental services tax when due shall pay to the Department
16 a penalty of 10 percent of the amount of the unpaid fee, plus interest
17 on the unpaid fee at the rate of 1 percent per month or fraction of a
18 month from the date the fee and tax were due until the date of
19 payment.

20 6. If a person fails to pay any fee pursuant to subsection 2 or
21 governmental services tax when due, the Department may, in
22 addition to the penalty provided for in subsection 5, require that
23 person to pay:

24 (a) The entire amount of the unpaid registration fee and
25 governmental services tax owed by that person for the remainder of
26 the period of registration; and

27 (b) On an annual basis, any registration fee and governmental
28 services tax set forth in subsection 2 which may be incurred by that
29 person in any subsequent period of registration.

30 **7. A person who is convicted of, or who pleads guilty, guilty**
31 **but mentally ill or nolo contendere to, a violation of NRS 484.744**
32 **must reregister the vehicle with a declared gross weight equal to:**

33 **(a) The gross vehicle weight rating; or**

34 **(b) The combined gross vehicle weight rating, if the vehicle**
35 **was operated in combination at the time of the violation.**

36 **↪ The registration fee owed pursuant to this subsection is**
37 **incurred from the date the person was convicted of, or pled guilty,**
38 **guilty but mentally ill or nolo contendere to, a violation of**
39 **NRS 484.744.**

40 **Sec. 6.** Chapter 706 of NRS is hereby amended by adding
41 thereto the provisions set forth as sections 7 to 10, inclusive, of this
42 act.

43 **Sec. 7. “Combined gross vehicle weight rating” has the**
44 **meaning ascribed to it in section 2 of this act.**



1 **Sec. 8.** *"Gross vehicle weight rating" has the meaning*
2 *ascribed to it in section 3 of this act.*

3 **Sec. 9.** 1. *In addition to any criminal penalty, any person*
4 *who violates any provision of this chapter, or any lawful*
5 *regulation, rule or order adopted or issued by the Department*
6 *pursuant thereto is liable to the Department for an administrative*
7 *fine as follows:*

8 (i) *For a first offense, a fine of \$500.*

9 (ii) *For a second offense, a fine of \$1,000 or the total cost paid*
10 *by the person for registration fees pursuant to NRS 482.480 and*
11 *482.482 and governmental services taxes pursuant to NRS 371.050*
12 *during the calendar year in which the offense was committed for*
13 *the vehicle in which the offense was committed, whichever is*
14 *greater, except that the amount of the fine must not exceed \$2,500.*

15 (iii) *For a third offense, a fine of \$1,500 or the total cost paid by*
16 *the person for registration fees pursuant to NRS 482.480 and*
17 *482.482 and governmental services taxes pursuant to NRS 371.050*
18 *during the calendar year in which the offense was committed for*
19 *the vehicle in which the offense was committed, whichever is*
20 *greater, except that the amount of the fine must not exceed \$2,500.*

21 (iv) *For a fourth and any subsequent offense, a fine of \$2,500.*

22 2. *The Department shall afford to any person fined pursuant*
23 *to subsection 1 an opportunity for a hearing pursuant to the*
24 *provisions of NRS 233B.121.*

25 3. *All administrative fines collected by the Department*
26 *pursuant to subsection 1 must be deposited with the State*
27 *Treasurer to the credit of the State Highway Fund.*

28 **Sec. 10.** *If the Department determines that a common motor*
29 *carrier, contract motor carrier or private motor carrier of property*
30 *is habitually delinquent in the payment of amounts due to the*
31 *Department pursuant to this chapter, the Department shall require*
32 *the common motor carrier, contract motor carrier or private motor*
33 *carrier of property to provide a bond executed by him as principal,*
34 *and by a corporation qualified pursuant to the laws of this State as*
35 *surety, payable to the State of Nevada, and conditioned upon the*
36 *faithful performance of all the requirements of this chapter and*
37 *upon the punctual payment of all fees, penalties and interest due*
38 *to the State of Nevada. The total amount of the bond must not be*
39 *less than \$2,500.*

40 **Sec. 11.** *NRS 706.011 is hereby amended to read as follows:*

41 706.011 *As used in NRS 706.011 to 706.791, inclusive, unless*
42 *the context otherwise requires, the words and terms defined in NRS*
43 *706.013 to 706.146, inclusive, and sections 7 and 8 of this act have*
44 *the meanings ascribed to them in those sections.*



Sec. 12. NRS 706.521 is hereby amended to read as follows:

706.521 1. Any person has the option, in lieu of causing a **commercial** motor vehicle **as defined in 49 C.F.R. § 350.105** which has a ~~declared~~ gross **vehicle** weight **rating or combined gross vehicle weight rating** in excess of ~~26,000~~ **10,000** pounds to be licensed pursuant to the provisions of NRS 482.482 or 706.841, of purchasing a temporary permit and paying a fee of \$5 plus 15 cents for each mile the Department estimates the vehicle will travel within the State of Nevada during the effective period of the temporary permit.

2. Except as otherwise provided in subsection 3, a temporary permit authorizes operation over the highways of this State from point of entry to point of exit for not more than 24 consecutive hours.

3. The Department may issue to the owner or operator of a common motor carrier of passengers a temporary permit which authorizes operation for not more than 120 consecutive hours.

4. If a person is issued a temporary permit pursuant to the provisions of this section, the Department shall credit the cost of that permit against the cost of any license subsequently issued to that person pursuant to the provisions of either NRS 482.482 or 706.841 whose effective dates include the effective dates of the temporary permit, or if that license fee has been satisfied, against any fee owed to the Department pursuant to the provisions of chapter 366 of NRS.

Sec. 13. NRS 706.541 is hereby amended to read as follows:

706.541 ~~1.~~ Any person who elects to purchase a temporary permit pursuant to NRS 706.521 in lieu of causing a vehicle to be licensed pursuant to the provisions of NRS 482.482 or 706.481 shall secure a permit from a vendor authorized to issue those permits pursuant to NRS 481.051 ~~1.~~

~~2. If the person will not pass a vendor along his scheduled route, he shall secure the permit:~~

~~(a) Before~~ **before** entering this State . ~~1.~~ **or**

~~(b) From the nearest available vendor to his point of entry into this State.~~

~~3. If the person will pass a vendor along his scheduled route, he shall secure the permit from the first vendor located along that route.~~

Sec. 14. NRS 706.813 is hereby amended to read as follows:

706.813 The provisions of NRS 706.801 to 706.861, inclusive, do not apply to:

1. Vehicles which are exempt from special fuel tax requirements under NRS 366.221.



1 2. Vehicles having a ~~declared~~ gross *vehicle* weight *rating or*
2 *gross combined vehicle weight rating* of 26,000 pounds or less ~~it~~
3 *unless the vehicle meets the definition of “commercial motor*
4 *vehicle” set forth in 49 C.F.R. § 350.105, and* except that such
5 vehicles are eligible for apportionment under the provisions of this
6 chapter upon application by the operator.

7 **Sec. 15.** This act becomes effective on July 1, 2009.

