

SENATE BILL NO. 243—SENATOR SCHNEIDER

MARCH 13, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Requires local law enforcement agencies to enforce certain state laws. (BDR 43-719)

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

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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 traffic laws; expanding to all peace officers in this State the authority for the enforcement of certain traffic laws relating to the weight of certain motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides that the Nevada Highway Patrol has authority for the
2 enforcement of certain requirements relating to the size and weight of certain
3 vehicles being operated on the highways of this State. (NRS 484.755) This bill
4 expands that authority to include all law enforcement agencies in the State.

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

- 1 **Section 1.** NRS 484.755 is hereby amended to read as follows:
2 484.755 1. Authority for the enforcement of the provisions of
3 NRS 484.744 to 484.757, inclusive, is vested in the ~~Nevada~~
4 ~~Highway Patrol.~~ ***law enforcement agencies in this State.***
5 2. Any ~~peace~~ officer ~~of the Nevada Highway Patrol~~ having
6 reason to believe that the weight of a vehicle and load is unlawful
7 may require the driver to stop and submit to a weighing of the
8 vehicle either by means of portable or stationary scales and may
9 require that the vehicle be driven to the nearest public scales, if they
10 are within 5 miles.
11 3. Whenever ~~an~~ ***a peace*** officer upon weighing a vehicle and
12 load as provided in subsection 2 determines that the weight is



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1 unlawful, he may require the driver to stop in a suitable place and
2 remove such portion of the load as may be necessary to reduce the
3 gross weight of the vehicle to those limits permitted under NRS
4 484.744 to 484.757, inclusive. All materials so unloaded must be
5 cared for by the carrier of the material and at his expense. The *peace*
6 officer may allow the driver of the inspected vehicle to continue on
7 his journey if any overload does not exceed by more than 5 percent
8 the limitations prescribed by NRS 484.744 to 484.757, inclusive,
9 but the penalties provided in NRS 484.757 must be imposed for the
10 overload violation.

11 4. Any driver of a vehicle who fails or refuses to stop and
12 submit the vehicle and load to a weighing, or who fails or refuses
13 when directed by ~~an officer of the Nevada Highway Patrol~~ *a peace*
14 *officer* upon a weighing of the vehicle to stop and otherwise comply
15 with the provisions of NRS 484.744 to 484.757, inclusive, is guilty
16 of a misdemeanor.

17 5. *As used in this section:*

18 (a) *“Law enforcement agency” has the meaning ascribed to it*
19 *in NRS 202.873.*

20 (b) *“Peace officer” means:*

21 (1) *A peace officer or an inspector of the Department of*
22 *Motor Vehicles or the Department of Public Safety; or*

23 (2) *A sheriff, peace officer or traffic officer assisting in the*
24 *enforcement of the provisions of this chapter.*

