

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 certain category I peace officers and certain inspectors 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 and
5 authorizes certain category I peace officers and certain inspectors of the
6 Department of Motor Vehicles and the Department of Public Safety to require the
7 driver of certain vehicles to stop and submit to a weighing of the vehicle.

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 ***category I peace*** officer ~~[of the Nevada Highway~~
6 ~~Patrol] or inspector~~ having reason to believe that the weight of a
7 vehicle and load is unlawful may require the driver to stop and
8 submit to a weighing of the vehicle either by means of portable or



stationary scales and may require that the vehicle be driven to the nearest public scales, if they are within 5 miles.

3. Whenever ~~an~~ *a category I peace officer or an inspector* upon weighing a vehicle and load as provided in subsection 2 determines that the weight is unlawful, he may require the driver to stop in a suitable place and remove such portion of the load as may be necessary to reduce the gross weight of the vehicle to those limits permitted under NRS 484.744 to 484.757, inclusive. All materials so unloaded must be cared for by the carrier of the material and at his expense. The *category I peace officer or inspector* may allow the driver of the inspected vehicle to continue on his journey if any overload does not exceed by more than 5 percent the limitations prescribed by NRS 484.744 to 484.757, inclusive, but the penalties provided in NRS 484.757 must be imposed for the overload violation.

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

5. *As used in this section:*

(a) *“Category I peace officer” means a peace officer as defined in NRS 289.460 who has completed a vehicle weight enforcement training program that is specific to this State and conducted by the Nevada Highway Patrol.*

(b) *“Inspector” means an inspector of the Department of Motor Vehicles or the Department of Public Safety who has completed a vehicle weight enforcement training program that is specific to this State and conducted by the Nevada Highway Patrol.*

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

