

SENATE BILL NO. 368—COMMITTEE ON TAXATION

MARCH 23, 2009

Referred to Committee on Taxation

SUMMARY—Imposes an additional licensing fee on certain heavyweight motor vehicles. (BDR 58-942)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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 motor carriers; imposing an additional licensing fee on certain heavyweight motor vehicles; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 **Section 1** of this bill requires the payment of a licensing fee for the operation of  
2 certain heavyweight vehicles by motor carriers in this State in the amount of 12  
3 cents per mile traveled. **Section 3** of this bill requires the deposit of the proceeds of  
4 this licensing fee into the Motor Vehicle Fund. **Section 4** of this bill requires the  
5 prepayment of this licensing fee by a person who obtains a temporary permit to  
6 operate such a vehicle in this State. **Section 6** of this bill provides that any violation  
7 of the requirements regarding this licensing fee constitutes a misdemeanor.

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

1 **Section 1.** Chapter 706 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 ***1. In addition to any other applicable licensing fees, each***  
4 ***common, contract or private motor carrier who operates a motor***  
5 ***vehicle with a declared gross weight in excess of 55,000 pounds in***  
6 ***this State shall pay a licensing fee of 12 cents for each mile***  
7 ***traveled by that motor vehicle within this State during each***  
8 ***calendar quarter.***



2. *Each common, contract or private motor carrier who operates a motor vehicle with a declared gross weight in excess of 55,000 pounds in this State during a calendar quarter shall, on or before the last day of the calendar month immediately following that calendar quarter:*

(a) *File with the Department a return on a form prescribed by the Department; and*

(b) *Remit to the Department the licensing fee due pursuant to this section for that calendar quarter.*

3. *Any person who fails to:*

(a) *File a return as required pursuant to this section shall, in addition to any other applicable penalties, pay a penalty of \$25 for each delinquent return.*

(b) *Remit a licensing fee as required pursuant to this section shall, in addition to any other applicable penalties, pay a penalty of 10 percent of the amount of the fee plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the last day of the calendar month immediately following the calendar quarter for which the fee is due until the date of payment.*

**Sec. 2.** NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

**Sec. 3.** NRS 706.211 is hereby amended to read as follows:

706.211 All money collected by the Department under the provisions of NRS 706.011 to 706.861, inclusive, *and section 1 of this act* must be deposited in the State Treasury for credit to the Motor Vehicle Fund. Except as otherwise provided in this chapter and NRS 482.180 and 482.181, all money collected under the provisions of NRS 706.011 to 706.861, inclusive, *and section 1 of this act* must be used for the construction, maintenance and repair of the public highways of this State.

**Sec. 4.** NRS 706.521 is hereby amended to read as follows:

706.521 1. Any person has the option, in lieu of causing a motor vehicle which has a declared gross weight in excess of 26,000 pounds to be licensed pursuant to the provisions of NRS 482.482 or 706.841, of purchasing a temporary permit and paying ~~fe~~:

(a) *A permit 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* ~~fe~~; *and*

(b) *If the person and vehicle are subject to the licensing fee required by section 1 of this act, an additional sum of 12 cents for each mile the Department estimates the vehicle will travel within*



1 *the State of Nevada during the effective period of the temporary*  
2 *permit. Any money collected pursuant to this paragraph must be*  
3 *credited against the licensing fee required by section 1 of this act.*

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

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

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

19 **Sec. 5.** NRS 706.546 is hereby amended to read as follows:

20 706.546 Where credit is allowed against any subsequent fee for  
21 a permit *fee* paid pursuant to the provisions of *paragraph (a) of*  
22 *subsection 1 of* NRS 706.521, there is a nonrefundable charge of \$5.

23 **Sec. 6.** NRS 706.756 is hereby amended to read as follows:

24 706.756 1. Except as otherwise provided in subsection 2, any  
25 person who:

26 (a) Operates a vehicle or causes it to be operated in any carriage  
27 to which the provisions of NRS 706.011 to 706.861, inclusive, *and*  
28 *section 1 of this act* apply without first obtaining a certificate,  
29 permit or license, or in violation of the terms thereof;

30 (b) Fails to make any return or report required by the provisions  
31 of NRS 706.011 to 706.861, inclusive, *and section 1 of this act*, or  
32 by the Authority or the Department pursuant to the provisions of  
33 NRS 706.011 to 706.861, inclusive ~~H~~, *and section 1 of this act*;

34 (c) Violates, or procures, aids or abets the violating of, any  
35 provision of NRS 706.011 to 706.861, inclusive ~~H~~, *and section 1*  
36 *of this act*;

37 (d) Fails to obey any order, decision or regulation of the  
38 Authority or the Department;

39 (e) Procures, aids or abets any person in his failure to obey such  
40 an order, decision or regulation of the Authority or the Department;

41 (f) Advertises, solicits, proffers bids or otherwise holds himself  
42 out to perform transportation as a common or contract carrier in  
43 violation of any of the provisions of NRS 706.011 to 706.861,  
44 inclusive ~~H~~, *and section 1 of this act*;

45 (g) Advertises as providing:



- 1 (1) The services of a fully regulated carrier; or
- 2 (2) Towing services,
- 3 ➔ without including the number of his certificate of public
- 4 convenience and necessity or contract carrier's permit in each
- 5 advertisement;
- 6 (h) Knowingly offers, gives, solicits or accepts any rebate,
- 7 concession or discrimination in violation of the provisions of this
- 8 chapter;
- 9 (i) Knowingly, willfully and fraudulently seeks to evade or
- 10 defeat the purposes of this chapter;
- 11 (j) Operates or causes to be operated a vehicle which does not
- 12 have the proper identifying device;
- 13 (k) Displays or causes or permits to be displayed a certificate,
- 14 permit, license or identifying device, knowing it to be fictitious or to
- 15 have been cancelled, revoked, suspended or altered;
- 16 (l) Lends or knowingly permits the use of by one not entitled
- 17 thereto any certificate, permit, license or identifying device issued to
- 18 the person so lending or permitting the use thereof; or
- 19 (m) Refuses or fails to surrender to the Authority or Department
- 20 any certificate, permit, license or identifying device which has been
- 21 suspended, cancelled or revoked pursuant to the provisions of this
- 22 chapter,
- 23 ➔ is guilty of a misdemeanor, and upon conviction thereof shall be
- 24 punished by a fine of not less than \$100 nor more than \$1,000, or by
- 25 imprisonment in the county jail for not more than 6 months, or by
- 26 both fine and imprisonment.
- 27 2. Any person who, in violation of the provisions of NRS
- 28 706.386, operates as a fully regulated common motor carrier without
- 29 first obtaining a certificate of public convenience and necessity or
- 30 any person who, in violation of the provisions of NRS 706.421,
- 31 operates as a contract motor carrier without first obtaining a permit
- 32 is guilty of a misdemeanor and shall be punished:
- 33 (a) For a first offense within a period of 12 consecutive months,
- 34 by a fine of not less than \$500 nor more than \$1,000. In addition to
- 35 the fine, the person may be punished by imprisonment in the county
- 36 jail for not more than 6 months.
- 37 (b) For a second offense within a period of 12 consecutive
- 38 months and for each subsequent offense that is committed within a
- 39 period of 12 consecutive months of any prior offense under this
- 40 subsection, by a fine of \$1,000. In addition to the fine, the person
- 41 may be punished by imprisonment in the county jail for not more
- 42 than 6 months.
- 43 3. Any person who, in violation of the provisions of NRS
- 44 706.386, operates or permits the operation of a vehicle in passenger



1 service without first obtaining a certificate of public convenience  
2 and necessity is guilty of a gross misdemeanor.

3 4. If a law enforcement officer witnesses a violation of any  
4 provision of subsection 2 or 3, the law enforcement officer may  
5 cause the vehicle to be towed immediately from the scene and  
6 impounded in accordance with NRS 706.476.

7 5. The fines provided in this section are mandatory and must  
8 not be reduced under any circumstances by the court.

9 6. Any bail allowed must not be less than the appropriate fine  
10 provided for by this section.

11 **Sec. 7.** The provisions of section 1 of this act do not apply to  
12 the operation of any vehicle before July 1, 2009.

13 **Sec. 8.** This act becomes effective:

14 1. Upon passage and approval for the purpose of adopting  
15 regulations and conducting any preliminary activities necessary to  
16 carry out the provisions of this act in a timely manner; and

17 2. On July 1, 2009, for all other purposes.

