

ASSEMBLY BILL NO. 550—COMMITTEE ON WAYS AND MEANS

MARCH 28, 2011

Referred to Committee on Ways and Means

SUMMARY—Provides for the construction, operation and maintenance of state ports of entry. (BDR 35-892)

FISCAL NOTE: Effect on Local Government: No.
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; providing for the construction, operation and maintenance of state ports of entry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, vehicles are subject to inspection by peace officers and
2 other inspectors for issues such as safety, equipment, weight, load and emissions.
3 (NRS 484D.560-484D.580, 484D.675; NAC 445B.769) This bill requires the
4 Department of Transportation to provide by regulation for the establishment,
5 subject to the availability of funding, of state ports of entry, at which drivers,
6 vehicles and loads transported on vehicles are inspected for compliance with state
7 and federal law.

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

- 1 **Section 1.** Chapter 408 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.
3 **Sec. 2.** *“Port of entry” means a fixed or temporary facility:*
4 *1. That is constructed, operated and maintained by the*
5 *Department; and*
6 *2. At which drivers, vehicles and loads transported on*
7 *vehicles are inspected for compliance with state and federal laws*
8 *as specified in subsection 2 of section 3 of this act.*
9 **Sec. 3.** *1. The Department of Transportation shall adopt*
10 *regulations which provide for the establishment, subject to the*



* A B 5 5 0 *

1 *availability of funding, of permanent ports of entry on highways*
2 *within this State.*

3 2. *The regulations required to be adopted by subsection 1:*

4 (a) *Must provide for the inspection of drivers, vehicles and*
5 *loads transported on vehicles for one or more of the following*
6 *purposes:*

7 (1) *Size, weight and load restrictions applicable to*
8 *commercial motor vehicles.*

9 (2) *Requirements applicable to the safety of commercial*
10 *motor vehicles, including, without limitation, equipment required*
11 *for the operation of commercial motor vehicles.*

12 (3) *Registration and permitting of commercial motor*
13 *vehicles in accordance with applicable law.*

14 (4) *Transportation of hazardous materials in accordance*
15 *with applicable law.*

16 (5) *Transportation of agricultural products, livestock and*
17 *other animals in accordance with applicable law.*

18 (6) *Licensure and permitting of drivers in accordance with*
19 *applicable law.*

20 (7) *Payment of required fees and taxes.*

21 (8) *Transportation of controlled substances, counterfeit*
22 *merchandise and other articles of contraband.*

23 (9) *Such other purposes as the Department may determine*
24 *to be necessary or appropriate.*

25 (b) *May provide for:*

26 (1) *Cooperative agreements between the State of Nevada*
27 *and other states for the operation and staffing of ports of entry.*

28 (2) *Partnerships with private businesses and contractors for*
29 *the construction, operation, maintenance and staffing of ports of*
30 *entry.*

31 (3) *Consultation between the State of Nevada and the*
32 *Federal Government for purposes including, without limitation:*

33 (I) *Compliance with federal law.*

34 (II) *The inclusion of employees or contractors of the*
35 *Federal Government as staff at ports of entry to enforce federal*
36 *statutes and regulations.*

37 3. *In adopting the regulations required by subsection 1, the*
38 *Department of Transportation shall consult with:*

39 (a) *The Department of Motor Vehicles;*

40 (b) *The Nevada Highway Patrol Division of the Department of*
41 *Public Safety;*

42 (c) *The Surface Transportation Board;*

43 (d) *The Federal Motor Carrier Safety Administration of the*
44 *United States Department of Transportation;*



* A B 5 5 0 *

(e) Agencies of adjoining states having jurisdiction over matters relating to transportation; and

(f) Interstate motor carriers.

4. As used in this section:

(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(2) Has a gross vehicle weight rating of 26,001 or more pounds;

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et seq., and for which the display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.

(b) "Hazardous material" means any substance or combination of substances, including any hazardous material, hazardous waste, hazardous substance or marine pollutant:

(1) Of a type and amount for which a vehicle transporting the substance must be placarded pursuant to 49 C.F.R. Part 172;

(2) Of a type and amount for which a uniform hazardous waste manifest is required pursuant to 40 C.F.R. Part 262; or

(3) Which is transported in bulk packaging, as defined in 49 C.F.R. § 171.8.

Sec. 4. The Department shall ensure that each port of entry which is established pursuant to the regulations adopted pursuant to section 3 of this act is operated and maintained in a manner which is:

1. Cost-effective and efficient.

2. Consistent with federal law and guidelines.

Sec. 5. NRS 408.020 is hereby amended to read as follows:

408.020 As used in this chapter the words and terms defined in NRS 408.033 to 408.095, inclusive, **and section 2 of this act**, unless the context otherwise requires, have the meanings ascribed to them in those sections.

Sec. 6. This act becomes effective upon passage and approval for the purpose of adopting regulations and on July 1, 2011, for all other purposes.

