

CHAPTER.....

AN ACT relating to transportation; directing the Legislative Commission to conduct an interim study concerning state ports of entry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, vehicles are subject to inspection by peace officers and other inspectors for issues such as safety, equipment, weight, load and emissions. (NRS 484D.560-484D.580, 484D.675; NAC 445B.769) This bill directs the Legislative Commission to conduct an interim study concerning state ports of entry, which are facilities at which drivers, vehicles and loads transported on vehicles are inspected for compliance with state and federal law.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the feasibility of the creation and operation of ports of entry on highways within this State.

2. The committee appointed by the Legislative Commission pursuant to subsection 1 must be composed of six Legislators as follows:

(a) Three members appointed by the Majority Leader of the Senate, at least one of whom must be appointed from the membership of the Senate Standing Committee on Transportation during the immediately preceding session of the Legislature; and

(b) Three members appointed by the Speaker of the Assembly, at least one of whom must be appointed from the membership of the Assembly Standing Committee on Transportation during the immediately preceding session of the Legislature.

3. The study must include, without limitation:

(a) Consideration of the applicable provisions of federal law.

(b) An examination of the feasibility and cost of establishing permanent ports of entry on highways within this State.

(c) Consideration of the appropriate functions to be performed at or by ports of entry, including, without limitation, the inspection of drivers, vehicles and loads transported on vehicles for one or more of the following purposes:



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

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

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

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

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

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

(7) Payment of required fees and taxes.

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

(9) Such other purposes as may be determined to be necessary or appropriate.

(d) An examination of the advisability and usefulness of the following, as the following may relate to ports of entry:

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

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

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

(I) Compliance with federal law.

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

(e) Consultation with:

(1) The Department of Transportation;

(2) The Department of Motor Vehicles;

(3) The Nevada Highway Patrol Division of the Department of Public Safety;

(4) The Surface Transportation Board;

(5) The Federal Motor Carrier Safety Administration of the United States Department of Transportation;

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

(7) Interstate motor carriers.



(f) An examination of any other matter that the committee determines to be relevant to the study.

4. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.

5. 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.

(c) "Port of entry" means a fixed or temporary facility:

(1) That is constructed, operated and maintained by the Department of Transportation or other appropriate state and local governmental entities, or both; and

(2) At which drivers, vehicles and loads transported on vehicles are inspected for compliance with state and federal laws.

Secs. 2-5. (Deleted by amendment.)

Sec. 6. This act becomes effective on July 1, 2011.

