

Amendment No. 919

Assembly Amendment to Assembly Bill No. 550

(BDR 35-892)

Proposed by: Assembly Committee on Ways and Means**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold underlining*** is newly added transitory language.

MSM/BJE



Date: 6/6/2011

A.B. No. 550—Provides for the construction, operation and maintenance of state ports of entry. (BDR 35-892)



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]~~
Directs the Legislative Commission to conduct an interim study concerning state ports of entry. (BDR ~~[35-892]~~ **S-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]~~ **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 ~~[requires]~~ **directs** the ~~[Department of Transportation]~~ **Legislative Commission** to ~~[provide by regulation for the establishment, subject to the availability of funding, of]~~ **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.

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

Section 1. ~~[Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.]~~

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.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

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.~~