

SENATE BILL NO. 322—SENATORS SETTELMAYER;
HARDY AND MANENDO

MARCH 21, 2011

Referred to Committee on Transportation

SUMMARY—Revises provisions governing motor vehicles.
(BDR 43-1008)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to motor vehicles; revising provisions relating to enforcement of weight limits on vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for the enforcement of weight limits on vehicles by
2 specially trained members of the Nevada Highway Patrol, inspectors of the
3 Department of Motor Vehicles and the Department of Public Safety, and to certain
4 law enforcement personnel in counties whose population is 100,000 or more
5 (currently Clark and Washoe Counties). The authorized law enforcement personnel,
6 if they have reason to believe that the weight of a vehicle and load is unlawful, may
7 require the driver to stop and submit to a weighing of the vehicle. (NRS 484D.675)
8 This bill authorizes such a stop only if the officer has a reasonable suspicion that
9 the vehicle is being operated unlawfully by reason of its weight, but clarifies that
10 such reasonable suspicion is not required with respect to the weighing of a vehicle
11 which is conducted without requiring the driver to stop the vehicle or leave the
12 roadway. This bill also eliminates the restriction on enforcement of weight limits by
13 local law enforcement officers in less populated counties but specifies that the
14 authority of the law enforcement officers and inspectors is limited to enforcement
15 within their own jurisdiction. Finally, this bill revises the training requirements for
16 such officers.



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

Section 1. NRS 484D.675 is hereby amended to read as follows:

484D.675 1. Authority for the enforcement of the provisions of NRS 484D.630 to 484D.680, inclusive, is vested in certain law enforcement agencies in this State.

2. Any category I peace officer, officer of the Nevada Highway Patrol or inspector ~~having reason to believe~~ *acting within his or her jurisdiction who has reasonable suspicion* that the weight of a vehicle and load is unlawful may require the driver to stop and 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. *Reasonable suspicion is not required before use of any device that weighs a vehicle without requiring the driver to stop the vehicle or leave the roadway.*

3. An officer of the Nevada Highway Patrol, a category I peace officer or an inspector upon weighing a vehicle and load as provided in subsection 2 who determines that the weight is unlawful 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 484D.630 to 484D.680, inclusive. All materials so unloaded must be cared for by the carrier of the material and at the carrier's expense. The officer of the Nevada Highway Patrol, category I peace officer or inspector may allow the driver of the inspected vehicle to continue on his or her journey if any overload does not exceed by more than 5 percent the limitations prescribed by NRS 484D.630 to 484D.680, inclusive, but the penalties provided in NRS 484D.680 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 484D.630 to 484D.680, 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, ~~in a county whose population is 100,000 or more~~ who ~~has~~:

(1) Has received specialized training concerning vehicle weight enforcement;



* S B 3 2 2 R 1 *

1 ***(2) Is certified by the Commercial Vehicle Safety Alliance***
2 ***to perform a North American Standard Inspection; and***

3 ***(3) Has*** completed a vehicle weight enforcement training
4 program that is specific to this State and conducted by the Nevada
5 Highway Patrol.

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

10 (c) "Law enforcement agency" has the meaning ascribed to it in
11 NRS 202.873.

12 ***(d) "North American Standard Inspection" has the meaning***
13 ***ascribed to it in 49 C.F.R. § 350.105.***

