

ASSEMBLY BILL NO. 550—COMMITTEE ON WAYS AND MEANS

MARCH 28, 2011

Referred to Committee on Ways and Means

SUMMARY—Directs the Legislative Commission to conduct an interim study concerning state ports of entry. (BDR S-892)

FISCAL NOTE: Effect on Local Government: No.
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 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:

- 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 directs the
4 Legislative Commission to conduct an interim study concerning state ports of entry,
5 which are facilities at which drivers, vehicles and loads transported on vehicles are
6 inspected for compliance with state and federal law.

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

- 1 **Section 1.** 1. The Legislative Commission shall appoint a
2 committee to conduct an interim study concerning the feasibility of
3 the creation and operation of ports of entry on highways within this
4 State.
5 2. The committee appointed by the Legislative Commission
6 pursuant to subsection 1 must be composed of six Legislators as
7 follows:
8 (a) Three members appointed by the Majority Leader of the
9 Senate, at least one of whom must be appointed from the



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1 membership of the Senate Standing Committee on Transportation
2 during the immediately preceding session of the Legislature; and

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

7 3. The study must include, without limitation:

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

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

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

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

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

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

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

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

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

28 (7) Payment of required fees and taxes.

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

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

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

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

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

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

42 (I) Compliance with federal law.

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



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- 1 (e) Consultation with:
2 (1) The Department of Transportation;
3 (2) The Department of Motor Vehicles;
4 (3) The Nevada Highway Patrol Division of the Department
5 of Public Safety;
6 (4) The Surface Transportation Board;
7 (5) The Federal Motor Carrier Safety Administration of the
8 United States Department of Transportation;
9 (6) Agencies of adjoining states having jurisdiction over
10 matters relating to transportation; and
11 (7) Interstate motor carriers.
- 12 (f) An examination of any other matter that the committee
13 determines to be relevant to the study.
- 14 4. The Legislative Commission shall submit a report of the
15 results of the study and any recommendations for legislation to the
16 77th Session of the Nevada Legislature.
- 17 5. As used in this section:
- 18 (a) "Commercial motor vehicle" means a motor vehicle or
19 combination of motor vehicles used in commerce to transport
20 passengers or property if the motor vehicle:
21 (1) Has a gross combination weight rating of 26,001 or more
22 pounds which includes a towed unit with a gross vehicle weight
23 rating of more than 10,000 pounds;
24 (2) Has a gross vehicle weight rating of 26,001 or more
25 pounds;
26 (3) Is designed to transport 16 or more passengers, including
27 the driver; or
28 (4) Regardless of size, is used in the transportation of
29 materials which are considered to be hazardous for the purposes of
30 the federal Hazardous Materials Transportation Act, 49 U.S.C. §§
31 5101 et seq., and for which the display of identifying placards is
32 required pursuant to 49 C.F.R. Part 172, Subpart F.
- 33 (b) "Hazardous material" means any substance or combination
34 of substances, including any hazardous material, hazardous waste,
35 hazardous substance or marine pollutant:
36 (1) Of a type and amount for which a vehicle transporting the
37 substance must be placarded pursuant to 49 C.F.R. Part 172;
38 (2) Of a type and amount for which a uniform hazardous
39 waste manifest is required pursuant to 40 C.F.R. Part 262; or
40 (3) Which is transported in bulk packaging, as defined in 49
41 C.F.R. § 171.8.
- 42 (c) "Port of entry" means a fixed or temporary facility:
43 (1) That is constructed, operated and maintained by the
44 Department of Transportation or other appropriate state and local
45 governmental entities, or both; and



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- 1 (2) At which drivers, vehicles and loads transported on
- 2 vehicles are inspected for compliance with state and federal laws.
- 3 **Sec. 2.** (Deleted by amendment.)
- 4 **Sec. 3.** (Deleted by amendment.)
- 5 **Sec. 4.** (Deleted by amendment.)
- 6 **Sec. 5.** (Deleted by amendment.)
- 7 **Sec. 6.** This act becomes effective on July 1, 2011.

