

Amendment No. 105

Senate Amendment to Senate Bill No. 31	(BDR 43-141)
Proposed by: Senate Committee on Transportation	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	
Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of S.B. 31 (§ 13.5).	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

DLJ/JRS



Date: 4/5/2017

S.B. No. 31—Revises provisions governing the registration and regulation of commercial motor vehicles. (BDR 43-141)



SENATE BILL NO. 31—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Transportation

SUMMARY—Revises provisions governing the registration and regulation of commercial motor vehicles. (BDR 43-141)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Effect on the State: Executive Budget.

~

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

AN ACT relating to motor vehicles; revising the requirements for registering certain commercial motor vehicles; revising procedures for registration, renewal of registration and revocation of registration by the Department of Motor Vehicles relating to certain commercial motor vehicles and motor carriers who are subject to certain out-of-service orders; authorizing a peace officer to **impound or** seize the license plates from certain commercial motor vehicles operated by a motor carrier who is subject to certain out-of-service orders; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, most motor vehicles, trailers and semitrailers intended to be operated upon any highway in this State must be registered with the Department of Motor Vehicles. (NRS 482.205) **Section 5** of this bill requires a motor carrier operating in intrastate commerce and registering a commercial motor vehicle **, other than a farm vehicle,** that weighs in excess of 26,000 pounds to: (1) obtain an identification number from the United States Department of Transportation, known as a "USDOT number"; (2) display the USDOT number on each commercial vehicle weighing in excess of 26,000 pounds that is operated by the motor carrier in intrastate commerce; and (3) notify the Department of Motor Vehicles of the name of the motor carrier who is responsible for the safety of each such vehicle. **Sections 8, 10 and 11** of this bill authorize the Department to refuse to register, refuse to renew the registration of or revoke the registration of any such commercial motor vehicle if the motor carrier does not comply with the requirements of **section 5** or if the motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order, as that term is defined in certain regulations of the Federal Motor Carrier Safety Administration of the United States Department of Transportation. (49 C.F.R. Parts 385 and 386) The Department of Motor Vehicles may, pursuant to **sections 8, 10 and 11**, refuse to register, refuse to renew the registration of or revoke the registration of all such commercial motor vehicles being operated by the motor carrier in intrastate commerce. **Section 5** also requires a motor carrier operating a motor vehicle registered in this State to transport hazardous material

to: (1) obtain a USDOT number from the United States Department of Transportation; (2) display the USDOT number on each commercial motor vehicle that is operated by the motor carrier in intrastate commerce; and (3) notify the Department of Motor Vehicles of the name of the motor carrier who is responsible for the safety of each such vehicle. Existing law makes it a misdemeanor to violate the requirements of **section 5**, (NRS 482.555) **Section 6** of this bill requires the Department of Transportation to adopt regulations setting forth each provision of certain federal regulations which, when a violation of those regulations is the basis for a temporary prohibition, qualifies the temporary prohibition as an out-of-service order. **Section 7** of this bill requires any application for registration or renewal of registration of any commercial motor vehicle that is required to obtain a USDOT number from the United States Department of Transportation to be submitted to the Motor Carrier Division of the Department ~~of Motor Vehicles.~~

Existing law authorizes the Department of Motor Vehicles to enter into an agreement with a motor carrier or a service provider which authorizes the motor carrier or service provider to register, transfer or renew the registration of certain motor vehicles owned or operated by the motor carrier and to issue registration credentials on behalf of the Motor Carrier Division of the Department. (NRS 482.217, 706.188) **Sections 10 and 19** of this bill authorize the Department to revoke the registration of a commercial motor vehicle weighing over 26,000 pounds, operating in intrastate commerce and registered by a motor carrier or service provider if the Department determines that the motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order. The Department may also, pursuant to **sections 10 and 19**: (1) revoke the registration of all the commercial motor vehicles weighing over 26,000 pounds, operating in intrastate commerce and registered by a motor carrier who is subject to an out-of-service order; and (2) revoke the motor carrier or service provider's authority to register motor vehicles.

Existing law requires, for every motortruck, truck-tractor or bus, the payment of an additional fee for registration that is based on the weight of the vehicle. Such a vehicle which weighs not less than 26,001 pounds and not more than 80,000 pounds must pay a fee of \$17 for each 1,000 pounds, with a maximum fee of \$1,360. (NRS 482.482) Section 13.5 of this bill increases the weight limit for such a vehicle, to the extent authorized by federal law, from a minimum of not less than 80,001 pounds to a maximum of not more than 83,000 pounds, and increases the maximum fee commensurately to \$1,411.

Existing law provides that under the Interstate Highway User Fee Apportionment Act the Department of Motor Vehicles may enter into agreements with certain departments or agencies of other states or countries to provide for certain exemptions and the proration of certain fees and taxes for certain commercial motor vehicles used in interstate commerce. (NRS 706.801, 706.826) **Section 23** of this bill requires an operator applying to register a commercial motor vehicle to operate in this State under such an apportionment agreement to provide the Department of Motor Vehicles with the operator's USDOT number issued by the United States Department of Transportation and to identify the motor carrier responsible for the safety of each commercial motor vehicle registered. **Section 18** of this bill authorizes the Department of Motor Vehicles to refuse to register or refuse to renew the registration of any such commercial motor vehicle that weighs more than 10,000 pounds if the operator does not comply with the requirements to provide a USDOT number or to identify a motor carrier responsible for the safety of the commercial motor vehicle, or if the motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order. **Section 18** authorizes the Department to revoke the registration and plates, licenses, emblems, certificates or other devices of any such commercial motor vehicle registered to the motor carrier responsible for the safety of the commercial motor vehicle that is subject to an out-of-service order.

Section 14 of this bill authorizes a peace officer to seize the license plates from a commercial motor vehicle if the motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order and the commercial motor vehicle is: (1) registered or operating as an apportioned vehicle in interstate commerce and weighs in excess of 10,000 pounds; (2) registered in this State, operating in intrastate commerce and weighs in excess of 26,000 pounds; or (3) transporting hazardous material. If the motor carrier responsible for the safety of the commercial motor vehicle is not the registered owner of the vehicle, the peace officer may impound the commercial motor vehicle, and must notify the registered owner of the impoundment. Upon seizing any license plates based on

an out-of-service order, **section 14** requires the peace officer to send the license plates to the Department of Motor Vehicles, which must follow existing procedures to revoke the registration of the commercial motor vehicle. (NRS 482.465)

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *“Combined gross vehicle weight” means the actual weight of a commercial motor vehicle, including any load the vehicle is carrying, combined with the actual weight of any trailer or load the vehicle is towing.*

Sec. 3. *“Gross vehicle weight” means the actual weight of a commercial motor vehicle, including any load the vehicle is carrying.*

Sec. 4. *“Out-of-service order” means a temporary prohibition on operation by a motor carrier that is issued:*

1. By a federal or state entity with authority to issue such a temporary prohibition; and

2. Pursuant to a provision of 49 C.F.R. Part 385 or 386 that is specified in regulations adopted pursuant to section 6 of this act.

Sec. 5. *1. ~~Each~~ Except as otherwise provided in subsection 4, each motor carrier operating a commercial motor vehicle in intrastate commerce with a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds must:*

(a) Register with the Federal Motor Carrier Safety Administration of the United States Department of Transportation and obtain a USDOT number issued by the United States Department of Transportation;

(b) Display the USDOT number as required pursuant to 49 C.F.R. § 390.21 on each commercial motor vehicle with a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds operated by the motor carrier in intrastate commerce; and

(c) Notify the Department of Motor Vehicles at the time of registration or renewal of registration of each such commercial motor vehicle of:

(1) The USDOT number of the motor carrier; and

(2) The name of the motor carrier responsible for the safety of the commercial motor vehicle.

2. A motor carrier operating a commercial motor vehicle which is registered in this State and is being used to transport hazardous material must, in addition to the requirements of chapter 459 of NRS:

(a) Register with the Federal Motor Carrier Safety Administration and obtain a USDOT number issued by the United States Department of Transportation;

(b) Display the USDOT number as required pursuant to 49 C.F.R. § 390.21 on each commercial motor vehicle used to transport hazardous material; and

(c) Notify the Department of Motor Vehicles at the time of registration and renewal of registration of each such commercial motor vehicle of:

(1) The USDOT number of the motor carrier; and

(2) The name of the motor carrier responsible for the safety of the commercial motor vehicle.

3. A motor carrier must notify the Department of Motor Vehicles within 10 days after a change in the name of the motor carrier responsible for the safety of a commercial motor vehicle reported to the Department pursuant to subparagraph (2) of paragraph (c) of subsection 1 or subparagraph (2) of paragraph (c) of subsection 2.

4. The provisions of subsection 1 do not apply to a farm vehicle or a covered farm vehicle.

5. As used in this section ~~the~~ "hazardous":

(a) "Covered farm vehicle" has the meaning ascribed to it in 49 C.F.R. § 390.5.

(b) "Hazardous material" has the meaning ascribed to it in NRS 459.7024.

Sec. 6. The Department shall adopt regulations which set forth each provision of 49 C.F.R. Parts 385 and 386 which, when a violation of the provision is the basis for a temporary prohibition against operation by a motor carrier, qualifies that temporary prohibition as an out-of-service order for the purposes of section 4 of this act.

Sec. 7. An applicant for the registration or renewal of registration of any commercial motor vehicle who is required by any provision of NRS to register with the Federal Motor Carrier Administration and obtain a USDOT number from the United States Department of Transportation must submit the application to the Motor Carrier Division of the Department ~~of~~ of Motor Vehicles.

Sec. 8. 1. The Department may refuse to renew the registration of a commercial motor vehicle operating in intrastate commerce which is registered pursuant to this chapter and which has a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds if:

(a) The motor carrier applying for renewal has not complied with the requirements of section 5 of this act; or

(b) The motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order.

2. The Department shall mail a notice to the holder of a certificate of registration for a commercial motor vehicle if the Department refuses to renew the registration pursuant to subsection 1. The notice must be mailed as soon as practicable after the Department refuses to renew the registration and must include, without limitation:

(a) The reason for the refusal to renew the registration;

(b) The name of the federal or state entity which issued the out-of-service order, if applicable; and

(c) The procedure by which the holder of the certificate of registration for the commercial motor vehicle may renew the registration by providing evidence satisfactory to the Department that, as applicable:

(1) The motor carrier operating the commercial motor vehicle has complied with the requirements of section 5 of this act; or

(2) The motor carrier responsible for the safety of the commercial motor vehicle is no longer subject to an out-of-service order.

3. A motor carrier applying for the renewal of the registration of a commercial motor vehicle who receives a notice pursuant to this section is not entitled to operate or permit operation of that commercial motor vehicle upon the highways as provided in subsection 5 of NRS 482.280 until the Department notifies the motor carrier that the registration of the commercial motor vehicle is renewed.

1 **Sec. 9.** NRS 482.010 is hereby amended to read as follows:

2 482.010 As used in this chapter, unless the context otherwise requires, the
3 words and terms defined in NRS 482.0105 to 482.137, inclusive, *and sections 2, 3*
4 *and 4 of this act* have the meanings ascribed to them in those sections.

5 **Sec. 9.5.** NRS 482.206 is hereby amended to read as follows:

6 482.206 1. Except as otherwise provided in this section and NRS 482.2065,
7 every motor vehicle, except for a motor vehicle that is registered pursuant to the
8 provisions of NRS 706.801 to 706.861, inclusive, *and section 18 of this act*, and
9 except for a full trailer or semitrailer that is registered pursuant to subsection 3 of
10 NRS 482.483 or a moped registered pursuant to NRS 482.2155, must be registered
11 for a period of 12 consecutive months beginning the day after the first registration
12 by the owner in this State.

13 2. Except as otherwise provided in subsections 7 and 8 and NRS 482.2065,
14 every vehicle registered by an agent of the Department or a registered dealer must
15 be registered for 12 consecutive months beginning the first day of the month after
16 the first registration by the owner in this State.

17 3. Except as otherwise provided in subsection 7 and NRS 482.2065, a vehicle
18 which must be registered through the Motor Carrier Division of the Department, or
19 a motor vehicle which has a declared gross weight in excess of 26,000 pounds,
20 must be registered for a period of 12 consecutive months beginning on the date
21 established by the Department by regulation.

22 4. Upon the application of the owner of a fleet of vehicles, the Director may
23 permit the owner to register the fleet on the basis of a calendar year.

24 5. Except as otherwise provided in subsections 3, 6, 7 and 8, when the
25 registration of any vehicle is transferred pursuant to NRS 482.399, the expiration
26 date of each regular license plate, special license plate or substitute decal must, at
27 the time of the transfer of registration, be advanced for a period of 12 consecutive
28 months beginning:

29 (a) The first day of the month after the transfer, if the vehicle is transferred by
30 an agent of the Department; or

31 (b) The day after the transfer in all other cases,
32 ➤ and a credit on the portion of the fee for registration and the governmental
33 services tax attributable to the remainder of the current period of registration must
34 be allowed pursuant to the applicable provisions of NRS 482.399.

35 6. When the registration of any trailer that is registered for a 3-year period
36 pursuant to NRS 482.2065 is transferred pursuant to NRS 482.399, the expiration
37 date of each license plate or substitute decal must, at the time of the transfer of the
38 registration, be advanced, if applicable pursuant to NRS 482.2065, for a period of 3
39 consecutive years beginning:

40 (a) The first day of the month after the transfer, if the trailer is transferred by
41 an agent of the Department; or

42 (b) The day after the transfer in all other cases,
43 ➤ and a credit on the portion of the fee for registration and the governmental
44 services tax attributable to the remainder of the current period of registration must
45 be allowed pursuant to the applicable provisions of NRS 482.399.

46 7. A full trailer or semitrailer that is registered pursuant to subsection 3 of
47 NRS 482.483 is registered until the date on which the owner of the full trailer or
48 semitrailer:

49 (a) Transfers the ownership of the full trailer or semitrailer; or

50 (b) Cancels the registration of the full trailer or semitrailer and surrenders the
51 license plates to the Department.

52 8. A moped that is registered pursuant to NRS 482.2155 is registered until the
53 date on which the owner of the moped:

(a) Transfers the ownership of the moped; or
(b) Cancels the registration of the moped and surrenders the license plate to the Department.

Sec. 10. NRS 482.217 is hereby amended to read as follows:

482.217 1. Upon the request of a motor carrier or a service provider, the Department may enter into an agreement with the motor carrier or service provider which authorizes the motor carrier or service provider:

(a) Without applying to the Department, to register or transfer or renew the registration of any vehicle:

(1) Owned solely by the motor carrier or service provider; or

(2) Leased solely by the motor carrier or service provider, if the lease is a long-term lease; and

(b) To issue registration credentials on behalf of the Motor Carrier Division of the Department for any vehicle registered pursuant to paragraph (a) and for any vehicle with a registration that has been renewed or transferred pursuant to paragraph (a).

2. Before registering or transferring or renewing the registration of any vehicle pursuant to subsection 1:

(a) A motor carrier who enters into an agreement with the Department pursuant to this section shall file with the Department a bond of a surety company authorized to transact business in this State for the benefit of this State in an amount not less than \$25,000; and

(b) A service provider who enters into an agreement with the Department pursuant to this section shall file with the Department a bond of a surety company authorized to transact business in this State for the benefit of this State in an amount not less than \$50,000.

3. If a motor carrier or service provider provides a savings certificate, certificate of deposit or investment certificate pursuant to NRS 100.065 in lieu of the bond required pursuant to subsection 2, the certificate must state that the amount is not available for withdrawal except upon the approval of the Director.

4. If at any time a motor carrier or service provider is unable to account for an unissued license plate, ~~for deed,~~ the motor carrier or service provider must immediately pay to the Department an amount established by the Department.

5. *If the Department determines that the motor carrier responsible for the safety of a commercial motor vehicle with a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds which is operating in intrastate commerce and which is registered pursuant to this section is subject to an out-of-service order, the Department may:*

(a) Revoke the registration of each commercial motor vehicle with a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds which is operating in intrastate commerce and which is registered to the motor carrier responsible for the safety of the commercial motor vehicles who is subject to the out-of-service order; and

(b) Revoke or refuse to grant the authority to register or transfer or renew any registration granted pursuant to this section.

6. *The Department, in revoking a registration pursuant to paragraph (a) of subsection 5, shall comply with the requirements of subsections 4 and 5 of NRS 482.465.*

7. The Director shall adopt such regulations as are necessary to carry out the provisions of this section.

~~6.1~~ 8. As used in this section:

(a) "Long-term lease" means a lease for a fixed period of more than ~~15~~ 30 days.

(b) "Motor carrier" means a common, contract or private motor carrier registered through the Motor Carrier Division of the Department.

(c) "Registration credentials" includes, without limitation, license plates, registration cab cards, ~~license plates~~ and temporary authority permits.

(d) "Service provider" means a business or organization authorized by the Department to register or transfer or renew the registration of vehicles on behalf of motor carriers.

Sec. 11. NRS 482.230 is hereby amended to read as follows:

482.230 The Department or a registered dealer shall not grant an application for the registration of a vehicle in any of the following events:

1. When the applicant therefor is not entitled thereto pursuant to the provisions of this chapter.

2. When the applicant has neglected or refused to furnish the Department or registered dealer with the information required in the appropriate official form or reasonable additional information required by the Department or registered dealer.

3. When the fees required therefor by law have not been paid.

4. *When the applicant for the registration of a commercial motor vehicle with a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds and which is intended to operate in intrastate commerce is a motor carrier who:*

(a) Has not complied with section 5 of this act; or

(b) Is subject to an out-of-service order.

Sec. 12. NRS 482.280 is hereby amended to read as follows:

482.280 1. Except as otherwise provided in NRS 482.2155, the registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. The Department shall mail to each holder of a certificate of registration a notification for renewal of registration for the following period of registration. The notifications must be mailed by the Department in sufficient time to allow all applicants to mail the notifications to the Department or to renew the certificate of registration at a kiosk or authorized inspection station or via the Internet or an interactive response system and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present or submit the notification to any agent or office of the Department.

2. A notification:

(a) Mailed or presented to the Department or to a county assessor pursuant to the provisions of this section;

(b) Submitted to the Department pursuant to NRS 482.294; or

(c) Presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281,

must include, if required, evidence of compliance with standards for the control of emissions.

3. The Department shall include with each notification mailed pursuant to subsection 1:

(a) The amount of the governmental services tax to be collected pursuant to the provisions of NRS 482.260.

(b) The amount set forth in a notice of nonpayment filed with the Department by a local authority pursuant to NRS 484B.527.

(c) A statement which informs the applicant:

(1) That, pursuant to NRS 485.185, the applicant is legally required to maintain insurance during the period in which the motor vehicle is registered which must be provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State; and

(2) Of any other applicable requirements set forth in chapter 485 of NRS and any regulations adopted pursuant thereto.

(d) A statement which informs the applicant that, if the applicant renews a certificate of registration at a kiosk or via the Internet, he or she may make a nonrefundable monetary contribution of \$2 for each vehicle registration renewed for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The notification must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration.

(e) Any amount due for reissuance of a license plate or a plate reissued pursuant to subsection 2 of NRS 482.265, if applicable.

4. An application for renewal of a certificate of registration submitted at a kiosk or via the Internet must include a statement which informs the applicant that he or she may make a nonrefundable monetary contribution of \$2, for each vehicle registration which is renewed at a kiosk or via the Internet, for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The application must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant must indicate his or her intention to opt in or opt out of making such a contribution.

5. ~~1A.1~~ *Except as otherwise provided in section 8 of this act, an* owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the Department as it may find necessary for the issuance of the new plate or plates or card of registration.

Sec. 13. NRS 482.465 is hereby amended to read as follows:

482.465 1. The Department shall rescind and cancel the registration of a vehicle whenever the person to whom the certificate of registration or license plates therefor have been issued makes or permits to be made any unlawful use of the certificate or plates or permits the use thereof by a person not entitled thereto.

2. The Department shall cancel a certificate of title or certificate of registration and license plates which have been issued erroneously or improperly, or obtained illegally.

3. In addition to any other penalty set forth in this chapter and chapters 366 , 459, 484A, 484D and 706 of NRS, the Department may revoke a certificate of title or a certificate of registration and license plates for a vehicle with a declared gross weight in excess of 26,000 pounds if the Department determines that:

(a) The licensee of the vehicle has violated one or more of the provisions of this chapter or chapter 366 , 459, 484A, 484D or 706 of NRS ~~1A.1~~ and

~~There~~ *there* is reasonable cause for the revocation ~~;~~ *or*
(b) The motor carrier responsible for the safety of the vehicle is subject to an out-of-service order.

4. Before revoking a certificate of title or a certificate of registration and license plates pursuant to subsection 3, *subsection 5 of NRS 482.217 or subsection 5 of NRS 706.188*, the Department must send a written notice by certified mail to the licensee *or motor carrier, as applicable*, at his or her last known address ordering the licensee *or motor carrier* to appear before the Department at a time not less than 10 days after the mailing of the notice to show cause why the certificate of title or the certificate of registration and license plates should not be revoked pursuant to this section.

5. Upon rescission, revocation or cancellation of the certificate of title or of the certificate of registration and license plates, the affected certificate or certificate and plates must be returned to the Department upon receipt of notice of rescission, revocation or cancellation.

Sec. 13.5. NRS 482.482 is hereby amended to read as follows:

482.482 1. In addition to any other applicable fee listed in NRS 482.480, there must be paid to the Department for the registration of every motortruck, truck-tractor or bus which has a declared gross weight of:

- (a) Less than 6,000 pounds, a fee of \$33.
- (b) Not less than 6,000 pounds and not more than 8,499 pounds, a fee of \$38.
- (c) Not less than 8,500 pounds and not more than 10,000 pounds, a fee of \$48.
- (d) Not less than 10,001 pounds and not more than 26,000 pounds, a fee of \$12 for each 1,000 pounds or fraction thereof.
- (e) Not less than 26,001 pounds and not more than 80,000 pounds, a fee of \$17 for each 1,000 pounds or fraction thereof. The maximum fee is \$1,360.

(f) To the extent authorized by federal law, not less than 80,001 pounds and not more than 83,000 pounds, a fee of \$17 for each 1,000 pounds or fraction thereof. The maximum fee is \$1,411.

2. Except as otherwise provided in subsection 6, the original or renewal registration fees for fleets of vehicles with a declared gross weight in excess of 26,000 pounds and the governmental services tax imposed by the provisions of chapter 371 of NRS for the privilege of operating those vehicles may be paid in installments, the amount of which must be determined by regulation. The Department shall not allow installment payments for a vehicle added to a fleet after the original or renewal registration is issued.

3. If the due date of any installment falls on a Saturday, Sunday or legal holiday, that installment is not due until the next following business day.

4. Any payment required by subsection 2 shall be deemed received by the Department on the date shown by the post office cancellation mark stamped on an envelope containing payment properly addressed to the Department, if that date is earlier than the actual receipt of that payment.

5. A person who fails to pay any fee pursuant to subsection 2 or governmental services tax when due shall pay to the Department a penalty of 10 percent of the amount of the unpaid fee, plus interest on the unpaid fee at the rate of 1 percent per month or fraction of a month from the date the fee and tax were due until the date of payment.

6. If a person fails to pay any fee pursuant to subsection 2 or governmental services tax when due, the Department may, in addition to the penalty provided for in subsection 5, require that person to pay:

- (a) The entire amount of the unpaid registration fee and governmental services tax owed by that person for the remainder of the period of registration; and

(b) On an annual basis, any registration fee and governmental services tax set forth in subsection 2 which may be incurred by that person in any subsequent period of registration.

7. A person who is convicted of, or who pleads guilty, guilty but mentally ill or nolo contendere to, a violation of NRS 484D.630 must reregister the vehicle with a declared gross weight equal to:

(a) The gross vehicle weight rating; or

(b) The combined gross vehicle weight rating, if the vehicle was operated in combination at the time of the violation.

➤ The registration fee owed pursuant to this subsection is incurred from the date the person was convicted of, or pled guilty, guilty but mentally ill or nolo contendere to, a violation of NRS 484D.630.

Sec. 14. Chapter 484A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~14~~ Except as otherwise provided in subsection 4, a peace officer may seize the license plates from a commercial motor vehicle which is:

(a) Registered or operating in this State pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and section 18 of this act and has a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 10,000 pounds;

(b) Registered in this State pursuant to chapter 482 of NRS, operating in intrastate commerce and has a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds; or

(c) Transporting hazardous material,

➤ if the peace officer determines that the motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order.

2. Upon the seizure of any license plates pursuant to subsection 1, a peace officer shall immediately:

(a) Provide the motor carrier responsible for the safety of the commercial motor vehicle, if present, or the driver of the commercial motor vehicle if the motor carrier responsible for the safety of the commercial motor vehicle is not present, a notice which explains the procedures required pursuant to this section and NRS 482.465; and

(b) Transmit the license plates to the Department.

3. The Department, upon the receipt of the license plates pursuant to subsection 2, shall proceed as provided in NRS 482.465.

4. A peace officer may impound a commercial motor vehicle which meets the requirements of paragraph (a), (b) or (c) of subsection 1 if the peace officer determines that:

(a) The motor carrier responsible for the safety of the commercial motor vehicle is subject to an out-of-service order; and

(b) The motor carrier responsible for the safety of the commercial motor vehicle is not the registered owner of the vehicle.

5. Upon the impounding of a commercial motor vehicle pursuant to subsection 4, the peace officer who impounded the vehicle or the law enforcement agency for which he or she is employed shall notify the registered owner of the commercial motor vehicle of the impoundment as soon as practicable.

6. As used in this section:

(a) "Combined gross vehicle weight" has the meaning ascribed to it in section 2 of this act.

(b) "Combined gross vehicle weight rating" has the meaning ascribed to it in NRS 482.0153.

(c) "Gross vehicle weight" has the meaning ascribed to it in section 3 of this act.

(d) "Gross vehicle weight rating" has the meaning ascribed to it in NRS 482.0445.

(e) "Hazardous material" has the meaning ascribed to it in NRS 459.7024.

(f) "Out-of-service order" has the meaning ascribed to it in section 4 of this act.

Sec. 15. NRS 484D.570 is hereby amended to read as follows:

484D.570 1. Except as otherwise provided in subsection 2 and NRS 706.235 ~~and~~ **and section 14 of this act:**

(a) A person shall not operate any vehicle after notice of an unsafe condition or that the vehicle is not equipped as required by this chapter, unless it is necessary to return the vehicle to the residence or place of business of the owner or driver or to a garage and operation of the vehicle is not further limited by NRS 706.246.

(b) If any peace officer or vehicle safety inspector finds that any vehicle is unsafe to a degree that continued operation would endanger the driver, any other occupant or any person on a public highway, the officer or inspector may require that the driver cease operation of the vehicle or that the vehicle be taken to the nearest garage or other safe place.

2. ~~and~~ **Except as otherwise provided in section 14 of this act, if** the vehicle is transporting wet concrete or other perishable cargo and does not pose an immediate threat to the life of the driver or any other person upon a public highway, and if the destination of the vehicle is within a distance of not more than 15 miles, the peace officer or vehicle safety inspector shall permit the vehicle to proceed to its destination and unload its cargo. Upon the arrival of the vehicle at its destination, the officer or inspector may order that the vehicle be taken, after the cargo of the vehicle has been unloaded, to the nearest garage or other place where the vehicle may be safely repaired.

Sec. 16. NRS 459.250 is hereby amended to read as follows:

459.250 1. Peace officers of the Nevada Highway Patrol shall enforce those provisions of NRS 459.221 and 459.7052 to 459.728, inclusive, which govern the transport and handling of radioactive waste as they affect the safety of drivers or vehicles, the leakage or spill of radioactive waste from its package or the emission of ionizing radiation in an unsafe amount as established by the regulations of the State Board of Health.

2. The peace officer may:

(a) Impound a vehicle with unsafe equipment; ~~and~~

(b) Detain a vehicle, if any waste has leaked or spilled from its package or if the peace officer has detected the emission of ionizing radiation in an unsafe amount, and order the driver of the vehicle to park it in a safe place, as determined by an officer designated by the Division, pending remedial action by that Division ~~and~~ **;** or

~~(c) Seize~~ **(c) Impound the vehicle or seize the license plates of the vehicle pursuant to the provisions of section 14 of this act.**

3. After a vehicle has been so detained, an officer designated by the Division may order:

(a) The vehicle to be impounded;

(b) The leaked or spilled waste to be cleaned up;

(c) The contents of any unsafe or leaking package to be repackaged; or

(d) Any other appropriate precaution or remedy,

1 ↵ at the expense of the shipper or broker, carrier or other person who is responsible
2 as determined by the Division.

3 **Sec. 17.** NRS 459.7052 is hereby amended to read as follows:

4 459.7052 Except as otherwise *provided in section 5 of this act or* required by
5 federal law, before transporting a hazardous material upon a public highway of this
6 State, a motor carrier shall register with and obtain a permit for the transportation of
7 hazardous materials:

8 1. From the Department; or

9 2. If the motor carrier has designated another participating state as its base
10 state pursuant to the uniform program, from the base state.

11 **Sec. 18.** Chapter 706 of NRS is hereby amended by adding thereto a new
12 section to read as follows:

13 1. *The Department may refuse to register or renew the registration of a*
14 *commercial motor vehicle operated by a motor carrier pursuant to the provisions*
15 *of this section and NRS 706.801 to 706.861, inclusive, and which has a gross*
16 *vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle*
17 *weight or a combined gross vehicle weight in excess of 10,000 pounds if:*

18 (a) *The motor carrier applying for registration or renewal has not complied*
19 *with the requirements of NRS 706.841; or*

20 (b) *The motor carrier responsible for the safety of the commercial motor*
21 *vehicle is subject to an out-of-service order.*

22 2. *The Department shall mail a notice to the applicant for registration or*
23 *the holder of a certificate of registration for a commercial motor vehicle if the*
24 *Department refuses to register or renew the registration pursuant to subsection 1.*
25 *The notice must be mailed as soon as practicable after the Department refuses to*
26 *register or renew the registration and must include, without limitation:*

27 (a) *The reason for the refusal to register or renew registration;*

28 (b) *The name of the federal or state entity which issued the out-of-service*
29 *order, if applicable;*

30 (c) *The procedure by which the applicant may register the commercial motor*
31 *vehicle or the holder of the certificate of registration for the commercial motor*
32 *vehicle may renew the registration by providing evidence satisfactory to the*
33 *Department that, as applicable:*

34 (1) *The motor carrier operating the commercial motor vehicle has*
35 *complied with the requirements of NRS 706.841; or*

36 (2) *The motor carrier responsible for the safety of the commercial motor*
37 *vehicle is no longer subject to an out-of-service order.*

38 3. *In addition to any other penalty set forth in this chapter and chapter 366*
39 *of NRS, the Department may revoke the registration and plates, licenses, emblems,*
40 *certificates or other devices of the vehicle pursuant to NRS 706.846 for*
41 *a commercial motor vehicle operated by a motor carrier pursuant to the*
42 *provisions of this section and NRS 706.801 to 706.861, inclusive, and which has a*
43 *gross vehicle weight rating, a combined gross vehicle weight rating, a gross*
44 *vehicle weight or a combined gross vehicle weight in excess of 10,000 pounds if*
45 *the motor carrier responsible for the safety of the commercial motor vehicle is*
46 *subject to an out-of-service order.*

47 4. *Before revoking the registration and plates, licenses, emblems,*
48 *certificates or other devices of a vehicle pursuant to subsection 3, the Department*
49 *must send a written notice by certified mail to the operator of the vehicle at his or*
50 *her last known address ordering the operator to appear before the Department*
51 *not less than 10 days after the mailing of the notice to show cause why the*
52 *registration and plates, licenses, emblems, certificates or other devices should not*
53 *be revoked pursuant to this section.*

1 5. *Upon the revocation of the registration and plates, licenses, emblems,*
2 *certificates or other devices of a vehicle pursuant to this section, the affected*
3 *plates, licenses, emblems, certificates or other devices must be returned to the*
4 *Department upon receipt of the notice of revocation.*

5 6. *As used in this section:*

6 (a) *“Combined gross vehicle weight” has the meaning ascribed to it in*
7 *section 2 of this act.*

8 (b) *“Combined gross vehicle weight rating” has the meaning ascribed to it in*
9 *NRS 482.0153.*

10 (c) *“Commercial motor vehicle” has the meaning ascribed to it in 49 C.F.R.*
11 *§ 390.5.*

12 (d) *“Gross vehicle weight” has the meaning ascribed to it in section 3 of this*
13 *act.*

14 (e) *“Gross vehicle weight rating” has the meaning ascribed to it in NRS*
15 *482.0445.*

16 **Sec. 19.** NRS 706.188 is hereby amended to read as follows:

17 706.188 1. Upon the request of a motor carrier or a service provider, the
18 Department may enter into an agreement with the motor carrier or service provider
19 which authorizes the motor carrier or service provider:

20 (a) Without applying to the Department, to register or transfer or renew the
21 registration of any vehicle:

22 (1) Owned solely by the motor carrier or service provider; or

23 (2) Leased solely by the motor carrier or service provider, if the lease is a
24 long-term lease; and

25 (b) To issue registration credentials on behalf of the Motor Carrier Division of
26 the Department for any vehicle registered pursuant to paragraph (a) and for any
27 vehicle with a registration that has been renewed or transferred pursuant to
28 paragraph (a).

29 2. Before registering or transferring or renewing the registration of any
30 vehicle pursuant to subsection 1:

31 (a) A motor carrier who enters into an agreement with the Department pursuant
32 to this section shall file with the Department a bond of a surety company authorized
33 to transact business in this State for the benefit of this State in an amount not less
34 than \$25,000; and

35 (b) A service provider who enters into an agreement with the Department
36 pursuant to this section shall file with the Department a bond of a surety company
37 authorized to transact business in this State for the benefit of this State in an amount
38 not less than \$50,000.

39 3. If a motor carrier or service provider provides a savings certificate,
40 certificate of deposit or investment certificate pursuant to NRS 100.065 in lieu of
41 the bond required pursuant to subsection 2, the certificate must state that the
42 amount is not available for withdrawal except upon the approval of the Director of
43 the Department.

44 4. If at any time a motor carrier or service provider is unable to account for an
45 unissued license plate ~~for a dealer~~, the motor carrier or service provider must
46 immediately pay to the Department an amount established by the Department.

47 5. *If the Department determines that the motor carrier responsible for the*
48 *safety of a commercial motor vehicle with a gross vehicle weight rating, a*
49 *combined gross vehicle weight rating, a gross vehicle weight or a combined gross*
50 *vehicle weight in excess of 26,000 pounds which is operating in intrastate*
51 *commerce and which is registered pursuant to this section is subject to an out-of-*
52 *service order, the Department may:*

(a) Revoke the registration of each commercial motor vehicle with a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds which is operating in intrastate commerce and which is registered to the motor carrier responsible for the safety of the motor vehicles who is subject to the out-of-service order; and

(b) Revoke or refuse to grant the authority to register or transfer or renew any registration granted pursuant to this section.

6. The Department, in revoking a registration pursuant to paragraph (a) of subsection 5, shall comply with the provisions of subsections 4 and 5 of NRS 482.465.

7. The Director of the Department shall adopt such regulations as are necessary to carry out the provisions of this section.

~~6-1~~ 8. As used in this section:

(a) “Commercial motor vehicle” has the meaning ascribed to it in 49 C.F.R. § 390.5.

(b) “Lease” has the meaning ascribed to it in NRS 482.053.

~~(b)~~ (c) “Long-term lease” means a lease for a fixed period of more than ~~13~~ 30 days.

~~(c)~~ (d) “Motor carrier” means a common, contract or private motor carrier registered through the Motor Carrier Division of the Department.

~~(d)~~ (e) “Out-of-service order” has the meaning ascribed to it in section 4 of this act.

(f) “Registration credentials” includes, without limitation, license plates, registration cab cards, ~~1, decals~~ and temporary authority permits.

~~(e)~~ (g) “Service provider” means a business or organization authorized by the Department to register or transfer or renew the registration of vehicles on behalf of motor carriers.

Sec. 20. NRS 706.235 is hereby amended to read as follows:

706.235 1. ~~Whenever~~ Except as otherwise provided in section 14 of this act, whenever a peace officer detains the driver of a heavy-duty motor vehicle for a violation of any provision of this chapter or any other specific statute or regulation relating to the equipment, lights, brakes, tires, mechanisms or safety appliances required of such a vehicle, the peace officer shall, in lieu of arresting the driver, prepare manually or electronically and issue a citation, a notice of correction, or both. If a notice of correction is issued, it must set forth the violation with particularity and specify the corrective action which must be taken.

2. ~~Whenever~~ Except as otherwise provided in section 14 of this act, if, at the time of the issuance of a citation or a notice of correction, the peace officer determines that the vehicle is unsafe and poses an immediate threat to the life of the driver or any other person upon a public highway, the peace officer may require that the vehicle be taken to the nearest garage or other place where the vehicle may be safely repaired. If the vehicle is transporting wet concrete or other perishable cargo and does not pose an immediate threat to life, and if the destination of the vehicle is within a distance of not more than 15 miles, the peace officer shall not delay the vehicle for more than 15 minutes and shall permit the vehicle to proceed to its destination and unload its cargo. Upon the arrival of the vehicle at its destination, the peace officer may order that the vehicle be taken, after the cargo of the vehicle has been unloaded, to the nearest garage or other place where the vehicle may be safely repaired.

3. As used in this section:

(a) “Heavy-duty motor vehicle” means a motor vehicle which:

(1) Has a manufacturer's gross vehicle weight rating of 10,000 pounds or more; and

(2) Is owned or leased by or otherwise used in the regular course of the business of a common, contract or private motor carrier.

(b) "Peace officer" means:

(1) A peace officer or an inspector of the Department of Motor Vehicles or Department of Public Safety; or

(2) A sheriff, peace officer or traffic officer assisting in the enforcement of the provisions of this chapter.

Sec. 21. NRS 706.806 is hereby amended to read as follows:

706.806 As used in NRS 706.801 to 706.861, inclusive, *and section 18 of this act*, unless the context otherwise requires:

1. "Country" includes any political subdivision thereof.

2. "Department" means the Department of Motor Vehicles.

3. "Fee" means each fee for registration and tax imposed by this State, except motor vehicle fuel taxes and motor carrier licensing fees.

4. "Mileage" includes mileage in this State and in all other states and countries.

5. "Motor vehicle" includes every motor vehicle with a declared gross weight in excess of 26,000 pounds required to be registered under the laws of this State.

6. "Operator" includes the owner or operator of any motor vehicle.

7. *"Out-of-service order" has the meaning ascribed to it in section 4 of this act.*

8. "Plan" means a plan adopted by any state or country for the proration of fees on a basis to effectuate the principles set forth in NRS 706.826.

~~18-1~~ 9. "State" includes the states of the United States, the District of Columbia and the territories of the United States.

~~19-1~~ 10. "Vehicle" includes every vehicle of a type required to be registered under the laws of this State.

Sec. 22. NRS 706.813 is hereby amended to read as follows:

706.813 The provisions of NRS 706.801 to 706.861, inclusive, *and section 18 of this act* do not apply to:

1. Vehicles which are exempt from special fuel tax requirements under NRS 366.221.

2. Vehicles having a gross vehicle weight rating or gross combined vehicle weight rating of 26,000 pounds or less unless the vehicle meets the definition of "commercial motor vehicle" set forth in 49 C.F.R. § 350.105, and except that such vehicles are eligible for apportionment under the provisions of this chapter upon application by the operator.

Sec. 23. NRS 706.841 is hereby amended to read as follows:

706.841 1. Each operator shall qualify to operate pursuant to the provisions of NRS 706.801 to 706.861, inclusive, *and section 18 of this act* by filing an application for that purpose with the Department:

(a) If the application is an initial application for registration, before the time any fee becomes delinquent; and

(b) If the application is for the renewal of a registration, on or before December 1.

2. The application must:

(a) Show the total mileage of motor vehicles operated by the person in this State and all states and countries during the next preceding 12 months ending June 30 and describe and identify each ~~motor~~ vehicle to be operated during the period of registration in such detail as the Department may require ~~it~~, *including, without*

1 *limitation, the name of the motor carrier responsible for the safety of each*
2 *vehicle.*

3 (b) *Include the USDOT number issued to the operator by the United States*
4 *Department of Transportation.*

5 (c) Be accompanied by a fee, unless the Department *of Motor Vehicles* is
6 satisfied that the fee is secured, to be computed as follows:

7 (1) Divide the number of in-state miles by the total number of fleet miles;

8 (2) Determine the total amount of money necessary to register each motor
9 vehicle in the fleet for which registration is requested; and

10 (3) Multiply the amount determined under subparagraph (2) by the fraction
11 obtained pursuant to subparagraph (1).

12 **Sec. 24.** NRS 706.846 is hereby amended to read as follows:

13 706.846 ~~Upon~~

14 *1. Except as otherwise provided in section 18 of this act, upon* the payment
15 of all fees required pursuant to the provisions of NRS 706.801 to 706.861,
16 inclusive, *and section 18 of this act*, or upon being satisfied that the fee is secured
17 and upon compliance with the laws of this State in order to register the vehicles, the
18 Department shall register them, and issue plates, licenses, emblems, certificates or
19 other devices for the vehicles in the same manner as otherwise provided by law.

20 *2. A motor carrier operating pursuant to the provisions of NRS 706.801 to*
21 *706.861, inclusive, and section 18 of this act must notify the Department within*
22 *10 days after a change in the name of the motor carrier responsible for the safety*
23 *of a vehicle included in an application submitted to the Department pursuant to*
24 *NRS 706.841.*

25 **Sec. 25.** As soon as practicable after January 1, 2018, upon determining that
26 sufficient resources are available to enable the Department of Motor Vehicles to
27 carry out the amendatory provisions of this act, the Director of the Department shall
28 notify the Governor and the Director of the Legislative Counsel Bureau of that fact,
29 and shall publish on the Internet website of the Department notice to the public of
30 that fact.

31 **Sec. 26.** This act becomes effective:

32 1. Upon passage and approval for the purpose of adopting regulations and
33 performing any preparatory administrative tasks that are necessary to carry out the
34 provisions of this act; and

35 2. For all other purposes, on the earlier of:

36 (a) July 1, 2020; or

37 (b) The date on which the Director of the Department of Motor Vehicles,
38 pursuant to section 25 of this act, notifies the Governor that sufficient resources are
39 available to enable the Department to carry out the amendatory provisions of this
40 act.