

**ADOPTED REGULATION**  
**OF THE DEPARTMENT OF TRANSPORTATION**

**LCB File No. R037-11**

Effective January 1, 2012

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

AUTHORITY: §§1 and 2, NRS 706.531, as amended by section 1 of Assembly Bill No. 232, chapter 301, Statutes of Nevada 2011, at page 1666.

A REGULATION relating to motor carriers; establishing registration cycles for the assignment of permits for the operation of a longer combination vehicle; and providing other matters properly relating thereto.

**Section 1.** Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. Each permit for a longer combination vehicle issued pursuant to NRS 706.531 will be assigned to a registration cycle for the period:*

- (a) Beginning on January 1 and ending on December 31;*
- (b) Beginning on April 1 and ending on March 31 of the following year; or*
- (c) Beginning on October 1 and ending on September 30 of the following year.*

*2. For the purposes of this section:*

- (a) “Combination of vehicles” has the meaning ascribed to it in NRS 484A.050.*
- (b) “Divisible” means reducible or capable of being separated into smaller loads or vehicle*

*combinations without:*

- (1) Compromising the intended use of the load or vehicles;*
- (2) Destroying the value of the load or vehicles; or*

- (3) Requiring more than 8 hours of work, using appropriate equipment, to separate.*
- (c) "Longer combination vehicle" means a combination of vehicles which:*
  - (1) Complies with the provisions of NAC 484.360, 484.365 and 484.370; and*
  - (2) Consists of:*
    - (I) A truck with one or two trailers or a truck-tractor with two or three trailers;*
    - (II) A divisible load;*
    - (III) A combined length that exceeds 70 feet, unless otherwise exempted by NRS 484D.615;*
    - (IV) Weights per axle that comply with legal limits; and*
    - (V) A gross weight that does not exceed 129,000 pounds.*
- (d) "Truck" has the meaning ascribed to it in NRS 484A.305.*
- (e) "Truck-tractor" has the meaning ascribed to it in NRS 484A.310.*

**Sec. 2.** This regulation becomes effective on January 1, 2012.

## NOTICE OF ADOPTION OF PERMANENT REGULATIONS

The Nevada Department of Transportation adopted regulations assigned LCB File No. R037-11 which pertain to Chapter 706 of the Nevada Administrative Code on January 1, 2012. A copy of the regulations as adopted is attached hereto.

### INFORMATIONAL STATEMENT

1. The Nevada Department of Transportation (NDOT) held a public hearing on September 20, 2011 in the NDOT, Headquarters Conference Room 301, 1263 South Stewart Street, Carson City, Nevada for the amendment of Chapter 706 of the Nevada Administrative Code. The hearing was video-conferenced to NDOT District I Headquarters, 123 E. Washington Avenue, Las Vegas, Nevada; NDOT District II Headquarters, 310 Galletti Way, Sparks, Nevada; and NDOT District III Headquarters, 1951 Idaho Street, Elko, Nevada.
2. Public comment was solicited by written notices at the following locations: NDOT website; NDOT Trucker News Bulletin; NDOT offices in Carson City, Las Vegas, Sparks, Elko, Ely, Tonopah and Winnemucca; Governor's Office, Carson City; Grant Sawyer Building, Las Vegas; Washoe and Clark County Courthouses; Nevada State Library, Carson City; the major public library in those counties without a major NDOT office; the newsletters of the Nevada Motor Transport Association (NMTA) and the southern and northern Nevada chapters of Associated General Contractors (AGC). A copy of the written comments, hearing transcripts, and this summary may be obtained by contacting Jeff Richter, Administrative Services Division, NDOT at (775) 888-7070 or by writing to his attention at 1263 South Stewart Street #101, Carson City, Nevada 89712.
3. Besides staff from NDOT and Nevada Department of Motor Vehicles (DMV), one person attended and testified at the hearing.
4. Generally, participants in the hearing and the preceding workshop were in agreement with the originally proposed amendment. Throughout all discussions, the NDOT and DMV representatives emphasized their on-going staff collaboration and joint efforts to provide effective, efficient customer support and services to the industry. The following issues with the amendment were raised:
  - a. **Section 1, paragraph 1.** AGC Nevada Chapter Executive Director John Madole in an 8/22/11 letter addressed the issue of refunds for any months not used during the annual permit period. It was explained in an NDOT e-mail of 8/23/11 that the "refund requirements are stipulated in NRS 706.531 and will not be changed by the proposed amendment (R037-11)." He was satisfied with this clarification, and he did not attend either the workshop or hearing to discuss his concerns any further.
  - b. **Section 1, paragraph 2(b).** NMTA CEO Paul Enos in an 8/18/11 e-mail proposed an alternative definition for "longer combination vehicle." Discussion of his version and a counter-proposal presented by NDOT's Jeff Richter occurred at the workshop and hearing. Mr. Richter explained the under-pinning state and federal statutes and provided a detailed justification for each element of the counter-proposal. Mr. Enos testified in

favor of NDOT's revision at the hearing.

5. The Director adopted the proposed regulations with changes on September 23, 2011. Based on both agency requirements and trucking industry interests, NDOT's findings for each issue identified in paragraph 4 follow:
  - a. **Section 1, paragraph 1.** The change would not affect current rules and procedures regarding partial fee refunds.
  - b. **Section 1, paragraph 2(b).** It was agreed after review and during the second hearing to adopt the definition of "longer combination vehicle" as proposed by NDOT as it was much clearer and informative than the draft in R037-11 or NMTA's Mr. Enos' proposal. The term itself is referenced in 23 Code of Federal (CFR) Regulations and is commonly used by other state, but does requires further clarification at the state level in order to establish functional permitting requirements that support CFR and the state requirements established in Chapters 484 of NRS and NAC.
6. The estimated economic effect of the adopted regulations is as follows:
  - c. **Public.** No adverse effects are envisioned. No immediate effect on the public is envisioned. Long term, the public may realize some minor cost savings passed on by carriers through lower transport costs. Conceptually, this measure improves administrative flexibility and logistical efficiency, which can translate to lower costs and economic benefit to consumers over the long term.
  - d. **Business.** This change will enhance customer service and improve commercial, longer combination vehicle operations, by spreading out the annual permit costs for carriers and reducing permit processing delays. Currently, permits are only issued for each calendar year, forcing carriers to commit large sums at the end of December, a major hardship for some carriers, and results in processing delays at DMV Motor Carrier Division because of the high volume of applications in a short period. The additional registration cycles will conform to the current staggered registration periods for the motor carrier industry. No adverse effects are envisioned. Long term, carriers will enhance their financial situation by budgeting operational costs over the course of an entire year.
7. There is no cost to the NDOT or the Department of Public Safety for enforcement of the proposed amendment. DMV estimates it will take 540 contract programming hours to implement the requirements at a cost of \$72,900.
8. Pursuant to 23 USC, Part 315 and 23 CFR, Part 658, the Secretary of the U.S. Department of Transportation regulates the length, width and weight of interstate vehicles to protect and preserve highways. This amendment is somewhat more stringent than the federal regulations and laws in that it provides necessary descriptive details to qualify vehicles for the required permit. The amendment does not duplicate or have any direct effect on other local or state regulations though the definition of a "longer combination vehicle" will most likely be adopted for use in other oversize and overweight vehicle statutes and regulations, namely Chapters 484 of NRS and NAC.
9. These changes will not affect fees on any permits.

10. The Director has determined that the adopted regulations do not impose any direct and significant economic burden upon any small business or restrict the formation, operation or expansion of a small business. Testimonies by the public and industry representatives at the 2011 Legislature also expressed support for AB232 because it provided small businesses greater flexibility in budgeting and enhanced their ability to compete. In making this determination, the Director also considered that the primary industry representatives were satisfied with the explanations and counter-proposals provided by staff, and that members of the public did not raise any objections in writing or at either the workshop or hearing.