

**PROPOSED REGULATION OF THE PUBLIC SERVICE  
COMMISSION OF NEVADA AND THE DEPARTMENT OF  
MOTOR VEHICLES AND PUBLIC SAFETY**

**LCB File No. R026-97**

July 25, 1997

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

AUTHORITY: NRS 706.171 and 706.173.

**Section 1.** NAC 706.247 is hereby amended to read as follows:

706.247 1. The department and the commission hereby adopt by reference the regulations contained in 49 C.F.R. Parts 382, 383, 387, 390 to 393, inclusive, [section 394.15, Parts 395 to 397, inclusive,] 395, 396 and 397, and appendices B, D, E and G [,] of subchapter B, as those regulations [exist on November 1, 1991,] existed on September 1, 1996, with the following exceptions:

(a) References to the Department of Transportation, the Federal Highway Administration and the Office of Motor Carrier Safety are amended to refer to the department and the commission.

(b) References to the Federal Highway Administrator and to the Director are amended to refer to the director of the department and the chairman of the commission.

(c) Section 391.11(b)(1) applies only to drivers [**operating**] *of commercial motor vehicles who:*

(1) *Operate* in interstate transportation [**and drivers of vehicles transporting passengers for hire or transportation of**] ;

(2) *Transport passengers intrastate; or*

(3) *Transport* hazardous material of a type or quantity that requires the vehicle to be marked or placarded in accordance with [**Section 177.823 of Title 49.**] *49 C.F.R. [§ 177.823](#).*

(d) References to special agents in appendix B of subchapter B are amended to include personnel of the department and the commission.

(e) The definition of “motor carrier” in 49 C.F.R. § 390.5 is amended to read:

“Motor carrier” includes interstate and intrastate common, contract and private carriers of property and passengers, including their agents, officers and representatives.

(f) The definition of “commercial motor vehicle” in 49 C.F.R. § 390.5 is amended to read:

“Commercial motor vehicle” means any self-propelled or towed vehicle used on public highways in:

1. Interstate commerce to transport passengers or property if the vehicle:

(a) Is designed to transport more than 15 passengers, including the driver;

(b) Is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Secretary pursuant to the Hazardous Materials Transportation Act (49 U.S.C. [App. §§ 1801 to 1813, inclusive]; §§ 5101 *et seq.*); or

(c) Has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds.

2. Intrastate commerce to transport passengers or property if the vehicle:

(a) Is one described in paragraph (a) or (b) of subsection 1;

(b) Has a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds; or

(c) Is owned or operated by a motor carrier subject to the jurisdiction of the commission, except that any vehicle so owned or operated is subject only to the provisions of 49 C.F.R. §§ 391.51, 392.2, 392.4, 392.5, 392.9 and 396.3(b)(2) and 49 C.F.R. Parts 390, 393 and 397 if the vehicle is not one described in paragraph (a) or (b) of this subsection.

2. To enforce these regulations, enforcement officers of the department and the commission may, during regular business hours, enter the property of a carrier to inspect its records, facilities and vehicles, including space for cargo.

3. The volume containing 49 C.F.R. Parts 325 to 399, inclusive, is available from the Superintendent of Documents, [U.S. Government Printing Office, Washington, D.C.

20402,] *P.O. Box 371954, Pittsburgh, Pennsylvania, 15250-7954*, at the price of [~~\$21.~~]  
\$39.

**Sec. 2.** NAC 706.248 is hereby amended to read as follows:

706.248 1. The commission hereby adopts by reference the regulations contained in 49 C.F.R. Parts 27, 37 and 38, as those regulations existed on September [~~6, 1991.~~] *1, 1996.*

2. A common or contract motor carrier of passengers shall comply with the regulations set forth in 49 C.F.R. Parts 27, 37 and 38 if any provision of the regulations applies to the operation of the motor carrier in this state.

3. The volume containing 49 C.F.R. Parts 27, 37 and 38 is available from the Superintendent of Documents, [~~United States Government Printing Office, Washington, D.C. 20402,~~] *P.O. Box 371954, Pittsburgh, Pennsylvania, 15250-7954*, at the price of [~~\$20.~~] \$32.

**Sec. 3.** NAC 706.377 is hereby amended to read as follows:

706.377 1. The department and the commission hereby adopt by reference the regulations contained in 49 C.F.R. Parts 107, 171 [~~to 173, inclusive,~~] *172, 173, 177, 178 and 180*, as those regulations [~~exist on November 1, 1991.~~] *existed on September 1, 1996.*

2. To enforce these regulations, enforcement officers and inspectors of the department and commission may, during regular business hours, enter the property of a shipper or carrier to inspect his records, facilities and vehicles, including space for a cargo.

3. The volume containing Parts [107 to 177,] 100 to 185, inclusive, and the volume containing Parts [178] 186 to 199, inclusive, are available from the Superintendent of Documents, [U.S. Government Printing Office, Washington, D.C. 20402,] P.O. Box 371954, Pittsburgh, Pennsylvania, 15250-7954, at the price of [\$27 and \$22,] \$50 and \$14, respectively.