

**PROPOSED REGULATION OF THE  
DEPARTMENT OF MOTOR VEHICLES**

**AND PUBLIC SAFETY**

**LCB File No. R205-99**

November 30, 1999

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

AUTHORITY: §§1-4, 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 transportation services authority hereby adopt by reference the regulations contained in 49 C.F.R. Parts **382**, 383, 387, 390 to 393, inclusive, 395 ~~[to 397, inclusive, and appendix]~~, **396 and 397, and appendices B and G** of 49 C.F.R. Ch. III, Subch. B, as those regulations ~~exist~~ **existed** on November 1, ~~[1991,]~~ **1998**, 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 transportation services authority.

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

(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 49 C.F.R. ~~§ 177.823.~~ *§§ 172.300 and 172.500.*

(d) References to special agents in appendix B of 49 C.F.R. Ch. III, Subch. B are amended to include personnel of the department and the transportation services authority.

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

“Motor carrier” includes, without limitation, interstate and intrastate common, contract and private carriers of property and passengers, including, without limitation, 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, without limitation, 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. §§ 5101 et seq.; or

(c) Has a gross vehicle weight rating, ~~or~~ gross combination weight rating *or gross vehicle weight* of 10,001 or more pounds ~~or~~, *whichever is greater.*

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, ~~for~~ gross combination weight rating *or gross vehicle weight* of 26,001 or more pounds ~~is~~, *whichever is greater*; or

(c) Is owned or operated by a motor carrier subject to the jurisdiction of the transportation services authority, 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).

2. To enforce these regulations, enforcement officers of the department and the transportation services authority may, during regular business hours, enter the property of a carrier to inspect its records, facilities and vehicles, including, without limitation, space for cargo ~~is~~ *and warehouses*.

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 ~~43~~ *39*.

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

706.248 1. The transportation services authority 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 ~~[\$31.]~~ *\$32.*

**Sec. 3.** NAC 706.294 is hereby amended to read as follows:

706.294 1. Before the department issues a certificate or permit to a common or contract motor carrier of property, other than a fully regulated carrier, or a private motor carrier, the carrier must:

(a) File with the department evidence of the necessary insurance for each vehicle which will be operated by the carrier on the form entitled “Bodily Injury and Property Damage (BI/PD) Form E”;

(b) Satisfy the requirements of NAC 706.291 for self-insurance; or

(c) File with the motor carrier bureau of the ~~registration~~ *field services* division of the *motor vehicles branch of the* department a certificate of self-insurance obtained from the department pursuant to NRS 706.3054 or 706.3056.

2. The forms required pursuant to paragraph (a) of subsection 1 are available from an insurance agent or from Uniform Printing and Supply ~~Company, P.O. Box 820,~~ *Incorporated, 132 Flatbush Avenue*, Kingston, New York 12401, or Kohnke Printing Company, 375 Fremont Street, San Francisco, California 94105.

**Sec. 4.** NAC 706.377 is hereby amended to read as follows:

706.377 1. The department and the transportation services authority hereby adopt by reference the regulations contained in 49 C.F.R. Parts 107, 171, 172, 173, 177, 178 and 180, as those regulations ~~exist on November 1, 1991,~~ *existed on October 1, 1998.*

2. To enforce these regulations, enforcement officers and inspectors of the department and transportation services authority may, during regular business hours, enter the property of a shipper or carrier to inspect his records, facilities and vehicles, including, without limitation, space for a cargo.

3. The volume containing Parts ~~[107 to 180, inclusive, is]~~ *100 to 185, inclusive, and the volume containing Parts 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 \$50 ~~[.]~~ *and \$14, respectively.*