

LCB File No. T034-00

**ADOPTED TEMPORARY REGULATION OF THE
NEVADA HIGHWAY PATROL DIVISION OF THE
DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY**

(Effective November 15, 2000)

*Proposed Temporary Regulations
of Department of Motor Vehicles and Public Safety
Nevada Highway Patrol Division*

Explanation: Matter in *italics* is new; matter in brackets [] to be omitted.

Authority: Chapter 557, Statutes of Nevada 1993

Nevada Administrative Code Chapter 459

TRANSPORTATION OF HAZARDOUS MATERIALS ON PUBLIC HIGHWAYS

459.975 Definitions. As used in NAC 459.975 to 459.991, inclusive, unless the context otherwise requires, the words and terms defined in NAC 459.9751 to 459.9758, inclusive, have the meanings ascribed to them in those sections.

“Base State” defined. “Base state: means a participating state designated by a motor carrier pursuant to the uniform program as the base state of the motor carrier.

459.9751 “Certificate of registration” defined. “Certificate of registration” means a certificate of registration for the transportation of hazardous material issued pursuant to NAC 459.9805 or the corresponding statute or regulation of a participating state.

459.97515 “Director” defined. “Director” means the director of the department of motor vehicles and public safety.

459.9752 “Division” defined. “Division” means the Nevada Highway patrol division of the department of motor vehicles and public safety.

459.97525 “Hazardous material” defined. “Hazardous material” means any substance or combination of substances, including any hazardous material, hazardous waste, hazardous substance, or marine pollutant:

1. Of a type and amount for which a vehicle transporting the substance must be placarded pursuant to 49 C.F.R. Part 172;
2. Of a type and amount for which a uniform hazardous waste manifest is required pursuant to 40 C.F.R. Part 262
3. Which is transported in bulk packaging, as defined in 49 C.F.R. § 171.8; or
4. Identified as a hazardous material pursuant to NRS 459.710.

459.9753 “Motor carrier” defined. “Motor carrier” means a person who owns or operates one or more motor vehicles used to transport hazardous material.

459.97535 “Motor vehicle” defined. “Motor vehicle” has the meaning ascribed to it in NRS 706.096.

459.9754 “Participating state” defined. “Participating state” means a state that has entered into a reciprocal agreement with this state *to participate in the uniform program*.

459.97545 “Person” defined. “Person” means a natural person, any agency of the Federal Government, any agency or political subdivision of this state, any form of business or social organization, and any other legal entity, including, but not limited to, a corporation, partnership association, trust, or unincorporated organization.

459.9755 “Principal place of business” defined. “Principal place of business” means the place where a person maintains his central records relating to the transportation of hazardous material.

459.97555 “Reciprocal agreement” defined. “Reciprocal agreement” means an agreement entered into by this state and another state to:

1. Participate in a program for the reciprocal registration and permitting of persons who transport hazardous material: and
2. Appoint a governing board to assist in the administration of the agreement and the interpretation of its terms.

459.9756 “~~[Registration and]~~ Permit section” defined. “~~[Registration and]~~ Permit section” means the hazardous material registration and permit section of the division.

459.97565 “Single-trip permit” defined. “Single-trip permit” means a permit for the transportation of hazardous material which is issued pursuant to NAC 459.984 and valid only in the State of Nevada.

459.9757 “Transport” and “transportation” defined. “Transport” or “transportation” means the movement of property on any public highway.

459.97575 “~~[Triennial]~~ *Uniform* permit” defined. “~~[Triennial]~~ *Uniform* permit” means a permit for the transportation of hazardous material issued pursuant to NAC 459.981 or the corresponding statute or regulation of participating state.

“Uniform application” defined. “Uniform application” means an application to register and obtain a permit for the transportation of hazardous materials pursuant to the uniform program.

“Uniform program” defined. “Uniform program ” means the program established pursuant to 49 U.S.C. 5119 to regulate the transportation of hazardous materials.

459.9758 “Vehicle” defined. “Vehicle” has the meaning ascribed to it in NRS 706.146.

459.976 Applicability. The provisions of NAC 459.975 to 459.991, inclusive, apply to any person who transports hazardous material in this state; *except as otherwise provided by federal law, the provisions of NAC 459.975 to 459.991 do not apply to the*

transportation of a hazardous material by any vehicle which is owned and operated by the Federal Government, this state or any political subdivision of this state.

- 459.977 Adoption by reference of provisions of Code of Federal Regulations.
1. The provisions of 49 C.F.R. Parts 171, 172, **173**, 177, 178, 383, 387, and 390 to 397, inclusive, are hereby adopted by reference as the existed on November 1, ~~1994~~ **1998**. Each motor vehicle used for the transportation of hazardous materials in this state must, and each driver of such a vehicle shall, comply with those provisions.
 2. A copy of the ~~publications~~ **volumes** which contain these parts may be obtained from the Superintendent of Documents ~~United States Government Printing Office~~ **P. O. Box 371954, Pittsburgh, Pennsylvania, 15250-7954**. The price is:
 - (a) For Parts ~~171, 172, and 177~~ **100 to 185**\$~~30~~ **50**
 - (b) For Parts ~~178~~ **186 to 199**\$~~20~~ **14**
 - (c) For Parts ~~383, 387, and 390 to 397~~ **325 to 399**~~, inclusive~~.....\$~~27~~ **39**

459.978 Address for communications and payments. Any written communication with or payment made to the ~~registration and~~ permit section pursuant to NAC 459.975 to 459.991, inclusive, must be mailed to the Nevada Highway Patrol, ~~Hazardous Materials Registration and~~ Permit Section, 555 Wright Way, Carson City, Nevada 89711-0590.

- 459.979 Certificate of registration and ~~triennial~~ **uniform** permit required; sources for obtainment. **1.** Except as otherwise provided in NAC 459.980 and 459.984, any person who transports hazardous materials in a vehicle upon a public highway in this state ~~must obtain a certificate of registration and triennial~~ **shall register and obtain a uniform permit from:**
1. The division, if:
 - (a) The person's principal place of business is located in this state; or
 - (b) The person's principal place of business is located in a state other than this state or a participating state, and the mileage over which the person transported hazardous material during the preceding year is higher in this state than any participating state;
 2. The participating state in which:
 - (a) The person's principal place of business is located; or
 - (b) The mileage over which the person transported hazardous material during the preceding year is the highest, if:
 - (1) the person's principal place of business is located in a state other than Nevada or a participating state; and
 - (2) The mileage over which the person transported hazardous material during the preceding year is higher in the participating state than in Nevada; or
 3. Any state designated by a governing board appointed pursuant to ~~a reciprocal agreement~~ **the uniform program**, if:
 - (a) The person petitions the governing board for such a designation; and
 - (b) The entity from whom the petitioner would otherwise be required to obtain the certificate of registration and ~~triennial~~ **uniform** permit pursuant to this section agrees that the designation:
 - (1) Furthers the administration of the ~~reciprocal agreement~~ **uniform program**; and
 - (2) Does not allow the petitioner to evade any pending action by that entity.

2. A motor carrier transporting hazardous materials shall complete all parts of the uniform application except for part III.

3. A motor carrier transporting radioactive waste in this state or a hazardous waste in a participating state which requires completion of part III of the uniform application shall complete all parts of the uniform application.

459.980 Use of vehicle under lease.

1. A vehicle which is the subject of a lease agreement may be used to transport hazardous materials in this state if:

(a) The lessee or lessor of the vehicle has obtained a certificate of registration and ~~triennial~~ uniform permit from the entity prescribed in NAC 459.979;

(b) The certificate of registration and ~~triennial~~ uniform permit have not expired or been suspended; and

(c) A legible copy of the lease agreement, certificate of registration, and ~~triennial~~ uniform permit are carried in the driver's compartment of the vehicle.

2. If a leased vehicle is used for the transportation of hazardous material pursuant to this section otherwise than under the authority of a certificate of registration and ~~triennial~~ uniform permit issued to the lessee of the vehicle, the lessor of the vehicle is liable for the operation of the vehicle and actions of its drivers, including liability for any failure by the vehicle and its drivers to comply with:

(a) Any terms, conditions, or certifications set forth in the ~~triennial~~ uniform permit of the lessor; and

(b) Any state or federal statutes or regulations regarding the transportation of hazardous material, to the same extent as if the vehicle was owned and operated by the lessor and its drivers were employed by the lessor.

459.9805 Certificate of registration: Application for issuance or renewal; fees; expiration.

1. A person seeking to obtain a certificate of registration from the division, or to renew a certificate of registration issued by the division, must submit to the ~~registration and~~ permit section:

(a) A completed application for the issuance or renewal of a certificate of registration, on the form prescribed by the division;

(b) A general processing fee of \$125;

(c) The apportioned registration fee:

(1) For this state, as prescribed by subsection 2; and

(2) For each participating state in which the person transports

hazardous material;

(d) A permit review fee of \$500 to be paid once every 3 years; and

(e) A reasonable fee to cover the administrative expenses of any

costs incurred pursuant to subsection 2 of NRS 459.707 and NAC 459.98055.

A certificate of registration will not be issued or renewed pursuant to this section until the required uniform application and fees have been received by the ~~registration and~~ permit section.

2. Except as otherwise provided in this subsection, the apportioned registration fee for this state is the amount obtained by multiplying \$125 by the product of:

(a) The total number of power units used by the applicant for the transportation of all his shipments during the preceding year;

(b) The applicant's total mileage for the transportation of all his shipments in this state during the preceding year divided by the applicant's total mileage for the transportation of all his shipments in all states and countries during the preceding year; and

(c) If the applicant's shipments of hazardous material are by:

(1) Full loads only, the total number of his shipments of hazardous material in this state during the preceding year divided by the total number of all his shipments in this state during the preceding year;

(2) Partial loads only, the total weight of his shipments containing hazardous material in this state during the preceding year divided by the total weight of all his shipments in this state during the preceding year, calculated exactly or to the number midway between the two deciles closest to the person's estimate of that amount; or

(3) Both full and partial loads, the sum obtained by adding:

(I) The percentage of his total shipments of hazardous material in this state during the preceding year which were by full loads times the number obtained by performing the calculations set forth in subparagraph (1) as if all his shipments of hazardous material in this state during the preceding year were by full loads; and

(II) The percentage of his total shipments of hazardous material in this state during the preceding year which were by partial loads time the number obtained by performing the calculation set forth in subparagraph (2) as if all his shipments of hazardous material in this state during the preceding year were by partial loads, calculated exactly or to the number midway between the two deciles closest to the person's estimate of that amount.

3. A certificate of registration issued pursuant to this section expires ~~[12 months after its issuance]~~ *on December 31 of each year or June 30 of each year.*

459.98055 Authority of division to require fingerprints from principal officers of applicant.

1. In addition to any other information required by law, the division may require the principal officers of an applicant to submit a fingerprint card with its *uniform* application. Fingerprints must be taken by a recognized law enforcement agency.

2. For the purposes of this section, "principal officer" means any person having responsibility, control, or influence over the environmental, waste management, or transportation operations of the applicant.

459.981 ~~[Triennial]~~ *Uniform* permit: Application for issuance or renewal ; fee; expiration.

1. A person seeking to obtain a ~~[triennial]~~ *uniform* permit from the division, or to renew a ~~[triennial]~~ *uniform* permit issued by the division, must submit to the ~~[registration and]~~ permit section:

(a) A completed *uniform* application for the issuance or renewal of the ~~[triennial]~~ *uniform* permit ~~[, on the form prescribed by the division];~~

(b) A completed *uniform* application for the issuance or renewal of a certificate of registration ~~[, on the form prescribed by the division];~~ and

(c) The fee prescribed by subsection 2.

A ~~[triennial]~~ *uniform* permit will not be issued or renewed pursuant to this section until the required *uniform* application ~~[s]~~ and fee have been received by the ~~[registration and]~~ permit section.

2. *Except as otherwise required by federal law or in this subsection a motor carrier transporting radioactive waste in this state, or a hazardous waste in other participating*

states requiring completion of part III of the uniform application must provide all information required on the uniform application including any information required from a motor carrier who transports hazardous waste.

(a) The fee for performing the uniform program electronic database background investigation will be the actual costs incurred. The permit section will inform the applicant of the estimated costs and these fees must be received by the permit section before any background investigation is begun. Regardless of the investigation outcome, any unexpended fees will be refunded to the applicant.

(b) Fees for on-site investigations by the division

~~[2]~~ 3. Except as otherwise provided in this subsection, the fee for the issuance or renewal of a ~~[triennial]~~ *uniform* permit issued pursuant to this section for a motor carrier's fleet is \$125 for each *apportioned* power unit used by the motor carrier to transport hazardous material. The fee will not be prorated or refunded.

~~[3]~~ 4. A ~~[Triennial]~~ *Uniform* permit issued or renewed pursuant to this section expires 3 years after the date on which the issuance or renewal becomes effective.

459.982 Certificate of registration or ~~[triennial]~~ *uniform* permit: change in information on *uniform* application. If there is any change in the information contained in a ~~[n]~~ *uniform* application to the division for the issuance or renewal of a certificate of registration or a ~~[triennial]~~ *uniform* permit, the holder of the certificate of registration or ~~[triennial]~~ *uniform* permit shall, within 1 year after the change occurs, give written notice of the change to the ~~[registration and]~~ permit section.

459.983 Certificate of registration and ~~[triennial]~~ *uniform* permit: Maintenance at place of business; inspection; copy required in vehicle during transportation.

1. The original of any certificate of registration and ~~[triennial]~~ *uniform* permit must be:

(a) Maintained by the holder at his principal place of business, as listed in his *uniform* application for a certificate of registration or as stated pursuant to NAC 459.982; and

(b) Made available for inspection upon request by any peace officer.

2. A legible copy of the certificate of registration and ~~[triennial]~~ *uniform* permit must be carried in the driver's compartment of the vehicle at all times while the vehicle is being used to transport hazardous materials.

459.984 Single-trip permit: Obtainment; use; expiration; fee.

1. A person may, not more than once during any period of 3 consecutive months, obtain a single-trip permit in lieu of a certificate of registration and ~~[triennial]~~ *uniform* permit from any authorized vendor before or at the time of entry into this state.

2. A single-trip permit:

(a) Is valid for only a single vehicle and shipment of hazardous material within or through this state.

(b) Must be carried in the driver's compartment of the vehicle for which it is issued, and must not be duplicated.

(c) Expires 72 hours after its issuance.

3. The fee for a single-trip permit is \$125.

459.986 Inspection of vehicles ; verification of drivers' qualifications.

1. Any vehicle used to transport hazardous materials in this state is subject to inspection.

2. The qualifications of the driver of a vehicle used to transport hazardous materials in this state are subject to verification.

3. Any such inspection will be conducted by employees of the division, in conformity with the national uniform inspection procedure and vehicle and driver out-of-service standards adopted by the Commercial Vehicle Safety Alliance and by the division.

459.9865 Provision of notice before transportation of radioactive waste. A person who transports radioactive waste shall notify the division not less than 4 hours nor more than 48 hours before he begins to transport the waste in the state. As used in this section, "radioactive waste" includes low-level waste as defined in NRS 459.007.

459.987 Reporting certain accidents and incidents.

1. Any accident or incident involving hazardous materials must be reported to the division in the manner provided by NRS 459.720 if, as a result of the accident or incident:

(a) A person dies or requires hospitalization;

(b) Damage to property occurs in an amount exceeding \$50,000;

(c) Any fire, breakage, spill or suspected contamination of radioactive material or etiological agents occurs; or

(d) There is, in the judgment of the person responsible for the materials, a significant threat to life or property.

2. Any such report must be submitted on a form prescribed by the division or on the form prescribed for the hazardous material incident report by the U. S. Department of Transportation (Form No. 5800.1).

459.988 Reimbursement of expenses for response to spill or accident. If an incident occurs involving hazardous materials, the expenses for which reimbursement may be sought pursuant to NRS 459.760 and 459.770:

1. Include any expenses incurred for immediate action taken to prevent injury to persons or property.

2. Are the obligation, jointly and severally, of:

(a) The holder of the certificate of registration and triennial permit, or of the single-trip permit, pursuant to which the hazardous materials are being transported or, if the materials are transported without a certificate of registration and triennial permit, or a single-trip permit, the person who is required to obtain the certificated of registration and triennial permit, or the single-trip permit, pursuant to the provisions of NAC 459.979 or 459.984; and

(b) Each agent or employee of the person described in paragraph (a).

459.989 Disciplinary action: Grounds; imposition of sanctions; *civil penalties*.

1. ~~[The division may deny or refuse to renew a certificate of registration or triennial permit or may take other disciplinary action as provided in this section if, in connection with the transportation of hazardous materials, the applicant or holder:~~

~~(a) Violates any out-of-service regulation of the Department of Transportation, compliance with which is his responsibility;~~

~~(b) Violates any other provision of NRS 459.700 to 459.780, inclusive, or NAC 459.975 to 459.991, inclusive;~~

~~(c) Knowingly provides false or misleading information in his application for a certificate of registration or triennial permit;~~

~~(d) Knowingly uses a forged certificate of registration or triennial permit or a certificate of registration or triennial permit which has been altered;~~

~~(e) Except as otherwise provided by NAC 459.980, allows the certificate of registration or triennial permit to be used by a person who is not his agent or employee; or~~

~~(f) Is found to be an unsatisfactory carrier as the result of a safety review or safety management audit conducted by the Department of Transportation.] Except as otherwise required by federal law, the department shall suspend or revoke the registration and permit for the transportation of hazardous materials, or deny the approval of an application for such a registration and permit, by a motor carrier who:~~

~~(a) Knowing makes a materially false or misleading statement on the application for the registration and permit.~~

~~(b) Is assigned an unsatisfactory safety rating by the U.S. Department of Transportation.~~

~~(c) Is subject to an order entered pursuant to 49CFR 386.72.~~

~~(d) Does not maintain the financial responsibility for liability required pursuant to 49 CFR Part 387 and the laws of this state.~~

~~(e) Knowingly uses a forged uniform or single trip permit for the transportation of hazardous materials.~~

~~(f) Knowingly allows the use of his uniform or single trip permit for the transportation of hazardous materials by any person other than an agent or employee of the motor carrier.~~

~~(g) Is convicted of a serious violation or repeated violations of the laws of this state for the regulation of common, contract or private motor carriers of property.~~

~~2. [If, within any period of 12 consecutive months, the holder of a triennial permit issued by the division accrues the designated number of violations which are grounds for disciplinary action, the division will:~~

~~(a) For three violations, mail a warning notice to the holder at his last known address.~~

~~(b) For four violations, mail a warning notice to the holder as provided in paragraph (a) and review the status of the triennial permit with the holder in person or by telephone.~~

~~(c) For five violations, suspend the triennial permit for not less than 30 days.~~

~~(d) For six violations, suspend the triennial permit for not less than 90 days.~~

~~(e) For seven or more violations, suspend the triennial permit for not less than 12 months.~~

~~In any case it deems appropriate, the division may impose a sanction greater than that otherwise prescribed by this subsection] Upon taking any action pursuant to subsection 1, the department shall:~~

~~(a) Notify the motor carrier, by certified mail, of the reasons for its action;~~

~~(b) Action the motor carrier may take to obtain the reinstatement of his registration and permit or the approval of his application;~~

~~(c) Provide the motor carrier with an opportunity for a fair and impartial hearing on the matter.~~

~~3. In addition to any applicable criminal penalties, the department may impose the following civil penalties upon a person who violates a provision of NRS 459.708 to 459.725, inclusive or these regulations.~~

(a) Driver out-of-service violations and civil penalty

<i>Table 1- Schedule of Civil Penalty's</i>				
<i>Driver Out-Of-Service Criteria</i>	<i>Driver Uniform Fine Schedule</i>			
<i>Violation</i>	<i>Group</i>	<i>One Driver Violation</i>	<i>Two Within Same Group</i>	<i>Three or more within Same group</i>
<i>Driver under 21</i>	<i>3</i>	<i>\$30.00</i>	<i>\$90.00</i>	<i>\$150.00</i>
<i>No operators license (non-CDL)</i>	<i>3</i>	<i>\$30.00</i>	<i>\$90.00</i>	<i>\$150.00</i>
<i>CDL violations</i>	<i>3</i>	<i>\$30.00</i>	<i>\$90.00</i>	<i>\$150.00</i>
<i>No waiver when required</i>	<i>3</i>	<i>\$30.00</i>	<i>\$90.00</i>	<i>\$150.00</i>
<i>Impaired driver (sick or fatigued)</i>	<i>2</i>	<i>\$100.00</i>	<i>\$200.00</i>	<i>\$300.00</i>
<i>Disqualified driver</i>	<i>1</i>	<i>\$500.00</i>	<i>\$1,000.00</i>	<i>\$1,500.00</i>
<i>Drug possession</i>	<i>1</i>	<i>\$500.00</i>	<i>\$1,000.00</i>	<i>\$1,500.00</i>
<i>Under the influence (drugs)</i>	<i>1</i>	<i>\$500.00</i>	<i>\$1,000.00</i>	<i>\$1,500.00</i>
<i>Intoxication beverage (detectable presence/under the influence/possession open container)</i>	<i>1</i>	<i>\$500.00</i>	<i>\$1,000.00</i>	<i>\$1,500.00</i>
<i>Intoxicating beverage (unopen container in cab)</i>	<i>2</i>	<i>\$100.00</i>	<i>\$200.00</i>	<i>\$300.00</i>
<i>10 hour driving violation</i>	<i>2</i>	<i>\$100.00</i>	<i>\$200.00</i>	<i>\$300.00</i>
<i>Driving after 15 hours on-duty</i>	<i>2</i>	<i>\$100.00</i>	<i>\$200.00</i>	<i>\$300.00</i>
<i>Driving after 60/70</i>	<i>2</i>	<i>\$100.00</i>	<i>\$200.00</i>	<i>\$300.00</i>
<i>No record of duty status</i>	<i>2</i>	<i>\$100.00</i>	<i>\$200.00</i>	<i>\$300.00</i>
<i>No record of duty status (previous seven days)</i>	<i>2</i>	<i>\$100.00</i>	<i>\$200.00</i>	<i>\$300.00</i>
<i>False log (intentional falsification of record-of-duty)</i>	<i>2</i>	<i>\$300.00</i>	<i>n/a</i>	<i>n/a</i>
<i>Violation of out-of-service notice (each notice, not each offense)</i>	<i>n/a</i>	<i>\$1,000.00</i>	<i>N/a</i>	<i>n/a</i>

Note: Group equals the severity rating assigned to each violation with #1 being the most severe.

Note: Maximum accumulated fine for each group is the highest fine indicated for each group. For example, three separate violations for any group 3 item would be \$150.00.

(b) Vehicle out-of-service violations and civil penalty's

<i>Table 2- Schedule of Civil Penalty's</i>				
<i>Vehicle Out-Of-Service Criteria</i>	<i>Vehicle Uniform Fine</i>			
<i>Violation</i>	<i>Schedule</i>	<i>One Violation</i>	<i>Two Within Same Group</i>	<i>Three or more within Same group</i>
<i>Air loss rate</i>	<i>1</i>	<i>\$100.00</i>	<i>\$300.00</i>	<i>\$600.00</i>
<i>Tractor-protection valve</i>	<i>1</i>	<i>\$100.00</i>	<i>\$300.00</i>	<i>\$600.00</i>
<i>Air reservoir security</i>	<i>2</i>	<i>\$50.00</i>	<i>\$150.00</i>	<i>\$250.00</i>
<i>Air compressor mounting bolts</i>	<i>2</i>	<i>\$50.00</i>	<i>\$150.00</i>	<i>\$250.00</i>
<i>Air compressor loose or broken pulley</i>	<i>1</i>	<i>\$100.00</i>	<i>\$300.00</i>	<i>\$600.00</i>
<i>Air compressor broken mounting</i>	<i>1</i>	<i>\$100.00</i>	<i>\$300.00</i>	<i>\$600.00</i>
<i>Electric brakes (including breakaway device)</i>	<i>1</i>	<i>\$100.00</i>	<i>\$300.00</i>	<i>\$600.00</i>
<i>Hydraulic brakes (no pedal reserve)</i>	<i>1</i>	<i>\$100.00</i>	<i>\$300.00</i>	<i>\$600.00</i>
<i>Master cylinder (less than 1/4 full)</i>	<i>3</i>	<i>\$30.00</i>	<i>\$90.00</i>	<i>\$150.00</i>
<i>Power assist unit (fails to operate)</i>	<i>2</i>	<i>\$50.00</i>	<i>\$150.00</i>	<i>\$250.00</i>
<i>Hydraulic brake hose leaks (on application)</i>	<i>2</i>	<i>\$50.00</i>	<i>\$150.00</i>	<i>\$250.00</i>
<i>Breakaway braking device</i>	<i>1</i>	<i>\$100.00</i>	<i>\$300.00</i>	<i>\$600.00</i>
<i>Hydraulic lines or hoses (defective)</i>	<i>2</i>	<i>\$50.00</i>	<i>\$150.00</i>	<i>\$250.00</i>
<i>Leaks (visible on application)</i>	<i>2</i>	<i>\$50.00</i>	<i>\$150.00</i>	<i>\$250.00</i>
<i>Hydraulic system failure warning system</i>	<i>2</i>	<i>\$50.00</i>	<i>\$150.00</i>	<i>\$250.00</i>
<i>Vacuum system reserve</i>	<i>1</i>	<i>\$100.00</i>	<i>\$300.00</i>	<i>\$600.00</i>

Table 2- Schedule of Civil Penalty's

<i>Vehicle Out-Of-Service Criteria</i>	<i>Vehicle Uniform Fine Schedule</i>			
	<i>Group</i>	<i>One Violation</i>	<i>Two Within Same Group</i>	<i>Three or more within Same group</i>
<i>Vacuum hoses or lines</i>	2	\$50.00	\$150.00	\$250.00
<i>Coupling devices, all (when in use)</i>	1	\$100.00	\$300.00	\$600.00
<i>Exhaust system (all)</i>	3	\$30.00	\$90.00	\$150.00
<i>Brake systems</i>				
<i>Defective braking action</i>	1	\$100.00	\$300.00	\$600.00
<i>Missing component</i>	1	\$100.00	\$300.00	\$600.00
<i>Loose component</i>	2	\$50.00	\$150.00	\$250.00
<i>Audible air leak brake chamber</i>	3	\$30.00	\$90.00	\$150.00
<i>Readjustment limits</i>	2	\$50.00	\$150.00	\$250.00
<i>Brake linings or pads</i>	2	\$50.00	\$150.00	\$250.00
<i>Missing brake</i>	1	\$100.00	\$300.00	\$600.00
<i>Defective braking action (steering)</i>	1	\$100.00	\$300.00	\$600.00
<i>Brake mismatch (steering)</i>	2	\$50.00	\$150.00	\$250.00
<i>Brake lining of pad (steering)</i>	2	\$50.00	\$150.00	\$250.00
<i>Parking brakes (inoperable breakaway system)</i>	2	\$50.00	\$150.00	\$250.00
<i>Parking brake (non manufactured holes or cracks in spring brake housing)</i>	2	\$50.00	\$150.00	\$250.00
<i>Cracked or broken brake drum or rotor</i>	1	\$100.00	\$300.00	\$600.00
<i>Brake hose</i>	2	\$50.00	\$150.00	\$250.00
<i>Brake tubing</i>	2	\$50.00	\$150.00	\$250.00
<i>Low pressure warning device</i>	2	\$50.00	\$150.00	\$250.00

Table 2- Schedule of Civil Penalty's

Vehicle Out-Of-Service Criteria	Vehicle Uniform Fine Schedule			
Violation	Group	One Violation	Two Within Same Group	Three or more within Same group
Frame				
<i>Cracked, broken, displaced</i>	<i>1</i>	<i>\$100.00</i>	<i>\$300.00</i>	<i>\$600.00</i>
<i>Tire and wheel clearance</i>	<i>1</i>	<i>\$100.00</i>	<i>\$300.00</i>	<i>\$600.00</i>
<i>Adjustable axle (pins and locks)</i>	<i>2</i>	<i>\$50.00</i>	<i>\$150.00</i>	<i>\$250.00</i>
Fuel system				
<i>Leaking, loose cap</i>	<i>3</i>	<i>\$30.00</i>	<i>\$90.00</i>	<i>\$150.00</i>
<i>Fuel tank mounting</i>	<i>2</i>	<i>\$50.00</i>	<i>\$150.00</i>	<i>\$250.00</i>
Lighting devices (when lights are required)				
<i>Head and tail lamps</i>	<i>2</i>	<i>\$50.00</i>	<i>\$150.00</i>	<i>\$250.00</i>
<i>Turn and stop</i>	<i>2</i>	<i>\$50.00</i>	<i>\$150.00</i>	<i>\$250.00</i>
<i>Safe loading</i>	<i>1</i>	<i>\$100.00</i>	<i>\$300.00</i>	<i>\$600.00</i>
<i>Steering mechanism</i>	<i>1</i>	<i>\$100.00</i>	<i>\$300.00</i>	<i>\$600.00</i>
<i>Suspension</i>	<i>2</i>	<i>\$50.00</i>	<i>\$150.00</i>	<i>\$250.00</i>
Tires				
<i>Steering axle</i>	<i>1</i>	<i>\$100.00</i>	<i>\$300.00</i>	<i>\$600.00</i>
<i>All others</i>	<i>3</i>	<i>\$30.00</i>	<i>\$90.00</i>	<i>\$150.00</i>
<i>Van/open-top trailer bodies</i>	<i>2</i>	<i>\$50.00</i>	<i>\$150.00</i>	<i>\$250.00</i>
<i>Wheels and rims</i>	<i>2</i>	<i>\$50.00</i>	<i>\$150.00</i>	<i>\$250.00</i>
<i>Windshield wipers</i>	<i>3</i>	<i>\$30.00</i>	<i>\$90.00</i>	<i>\$150.00</i>
<i>Emergency exits (buses)</i>	<i>1</i>	<i>\$100.00</i>	<i>\$300.00</i>	<i>\$600.00</i>

Note: Group equals the severity rating assigned to each violation with #1 being the most severe.

Note: Maximum accumulated fine for each group is the highest fine indicated for each group. For example, two separate violations for any group 2 item would be \$250.00.

(c) Hazardous materials out-of-service violations and civil penalty's

<i>Table13 - Schedule of Civil Penalty's</i>				
<i>Hazardous Materials Out-Of-Service Criteria</i>	<i>Hazardous Materials Uniform Fine Schedule</i>			
<i>Violation</i>	<i>Group</i>	<i>One Driver Violation</i>	<i>Two Within Same Group</i>	<i>Three or more within Same group</i>
<i>Shipping papers (general)</i>	<i>3</i>	<i>\$30.00</i>	<i>\$90.00</i>	<i>\$150.00</i>
<i>Waste manifest</i>	<i>3</i>	<i>\$30.00</i>	<i>\$90.00</i>	<i>\$150.00</i>
<i>Placarding/no placards</i>	<i>1</i>	<i>\$500.00</i>	<i>\$1,000.00</i>	<i>\$1,500.00</i>
<i>Placarding/50% or less</i>	<i>2</i>	<i>\$100.00</i>	<i>\$200.00</i>	<i>\$300.00</i>
<i>Cargo tanks</i>	<i>1</i>	<i>\$500.00</i>	<i>\$1,000.00</i>	<i>\$1,500.00</i>
<i>Cargo tank markings</i>	<i>3</i>	<i>\$30.00</i>	<i>\$90.00</i>	<i>\$150.00</i>
<i>Poison inhalation hazard markings(non-bulk packaging)</i>	<i>1</i>	<i>\$500.00</i>	<i>\$1,000.00</i>	<i>\$1,500.00</i>
<i>Poison inhalation hazard markings (bulk packaging)</i>	<i>1</i>	<i>\$500.00</i>	<i>\$1,000.00</i>	<i>\$1,500.00</i>
<i>Required markings</i>	<i>3</i>	<i>\$30.00</i>	<i>\$90.00</i>	<i>\$150.00</i>
<i>Packaging</i>	<i>1</i>	<i>\$500.00</i>	<i>\$1,000.00</i>	<i>\$1,500.00</i>
<i>Loading and securement</i>	<i>1</i>	<i>\$500.00</i>	<i>\$1,000.00</i>	<i>\$1,500.00</i>
<i>Forbidden items (common carriers)</i>	<i>1</i>	<i>\$500.00</i>	<i>\$1,000.00</i>	<i>\$1,500.00</i>
<i>Forbidden items (all carriers)</i>	<i>1</i>	<i>\$500.00</i>	<i>\$1,000.00</i>	<i>\$1,500.00</i>
<i>Radioactive material levels (at surface)</i>	<i>1</i>	<i>\$500.00</i>	<i>\$1,000.00</i>	<i>\$1,500.00</i>
<i>Radioactive material levels (at 2 meters)</i>	<i>1</i>	<i>\$500.00</i>	<i>\$1,000.00</i>	<i>\$1,500.00</i>

<i>Table13 - Schedule of Civil Penalty's</i>				
<i>Hazardous Materials Out-Of-Service Criteria</i>	<i>Hazardous Materials Uniform Fine Schedule</i>			
<i>Violation</i>	<i>Group</i>	<i>One Driver Violation</i>	<i>Two Within Same Group</i>	<i>Three or more within Same group</i>
<i>Radioactive material levels (in driver's compartment)</i>	<i>1</i>	<i>\$500.00</i>	<i>\$1,000.00</i>	<i>\$1,500.00</i>

Note: Group equals the severity rating assigned to each violation with #1 being the most severe.

Note: Maximum accumulated fine for each group is the highest fine indicated for each group. For example, two separate violations for any group 1 item would be \$1,500.00.

459.990 Disciplinary action: Notice of intended action; request for hearing; time and place of hearing.

1. Not less than 15 days before it denies, refuses to renew, or suspends a ~~[certificate of registration or triennial]~~ *uniform* permit pursuant to NAC 459.989, the division will give notice of its intended action to the applicant or holder by certified mail sent to his principal place of business.

2. Any holder or applicant who receives a notice pursuant to subsection 1 and who is aggrieved by the intended action of the division may make a written request for a hearing on the matter before the director or his designee. Any such request must be made by certified mail and must be postmarked not later than 10 days after the date the holder or applicant receives the notice mailed pursuant to subsection 1.

3. If a request for a hearing is made pursuant to subsection 2, the division will schedule the hearing for a date not later than 30 days after the date it receives the request. Any hearing held pursuant to this section must be held in Carson City.

459.991 Disciplinary action: Reinstatement of triennial permit.

1. The division may reinstate a ~~[triennial]~~ *uniform* permit which has previously been suspended pursuant to NAC 459.989 if the holder corrects the violation and otherwise complies with the provisions of NRS 459.700 to 459.780, inclusive, and NAC 459.975 to 459.991, inclusive.

2. In such a case, upon the request of the holder, the division will give written notice to the holder by certified mail of the conditions of reinstatement and any deadline for compliance with those conditions.

NOTICE OF INTENT TO ACT UPON A TEMPORARY REGULATION

Notice of Hearing for the Amendment of Regulations
of The Department of Motor Vehicles and Public Safety

The Department of Motor Vehicles and Public Safety will hold a public hearing at 10:00 a.m., September 25, 2000, at the Nevada State Library, 100 North Stewart Street, Carson City, Nevada 89707-4285. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to Chapter 459 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

The need for and purpose of the proposed temporary regulations is to amend provisions of NAC 459.975 to 459.991 to reflect updated language contained in Nevada Revised Statute (NRS). NAC 459.989 would also be amended to allow the imposition of civil penalties upon a person who violates a provision of NRS 459.708 to 459.725 or the proposed temporary regulations.

2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.

NAC 459.975 to 459.991 are being amended to reflect updated language contained in Nevada Revised Statute (NRS). NAC 459.989 would also be amended to allow the imposition of civil penalties upon a person who violates a provision of NRS 459.708 to 459.725 or the proposed temporary regulations.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

- (a) Both adverse and beneficial effect, and
- (b) Both immediate and long-term effects.

The proposed revisions to NAC 459 are not expected to have an adverse economic effect, either immediate or long-term, upon the regulated community, unless they violate the provisions of NRS 459.708 to 459.725 or the proposed regulations. The proposed revisions to NAC 459 are also not expected to have an adverse economic effect, either immediate or long-term, upon the public.

4. The estimated cost to the agency for enforcement of the proposed regulation.

At this time, the department or division does not envision any increased costs associated with enforcement of the proposed regulations, which primarily update new language in NRS, and allow the imposition of civil penalties upon a person who violates a provision of NRS 459.708 to 459.725 or the proposed temporary regulations.

5. A description of any citation to any regulations of other states or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The proposed regulations do not overlap or duplicate any other state, local government, or federal regulations.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulations are not required by federal law.

7. If the regulation includes provisions which are more stringent than federal regulations that regulates the same activity, a summary of such provisions.

The proposed regulations are not more stringent than federal regulations.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

The proposed temporary regulations establish a schedule for civil penalties (based upon a uniform fine schedule recommended by the Commercial Vehicle Safety Alliance (CVSA) for violations of NRS 459.708 to 459.725 or these regulations).

Persons wishing to comment upon the proposed action of the Nevada Highway Patrol may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada Highway Patrol, 555 Wright Way, Carson City, Nevada 89711 on or before 5:00 PM, Friday September 15, 2000. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Highway Patrol may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at:

Department of Motor Vehicles and Public Safety
555 Wright Way
Carson City, NV 89711

Department of Motor Vehicles and Public Safety
973 West Williams
Fallon, NV 89406

Department of Motor Vehicles and Public Safety
305 Galletti Way
Reno, NV 89502

Department of Motor Vehicles and Public Safety
3920 Idaho Street
Elko, NV 89801

Department of Motor Vehicles and Public Safety
8250 West Flamingo
Las Vegas, NV 89030

Department of Motor Vehicles and Public Safety
178 Ave F
Ely, NV 89301

Department of Motor Vehicles and Public Safety
2701 E. Sahara
Las Vegas, NV 89030

Department of Motor Vehicles and Public Safety
4021 West Carey
Las Vegas, NV 89030

Department of Motor Vehicles and Public Safety
300 Ridge Drive
Tonopah, NV 89049

Department of Motor Vehicles and Public Safety
305 Construction Way
Winnemucca, NV 89445

Department of Motor Vehicles and Public Safety
215 West Bridge
Yerington, NV 89447

Goldfield Public Library
P.O. Box 430, Fourth & Crook Street
Goldfield, NV 89013

Attn Gary Avent
Elko County Library
720 Court Street
Elko, NV 89801

Attn Steve Schlatter Dir
Mineral County Library
First & A Street
Hawthorne, NV 89415

Battle Mountain Branch Library
625 Broad Street
Battle Mountain, NV 89820

Churchill County Library
553 South Main Street
Fallon, NV 89406

Lincoln County Library
93 Main Street
P O Box 330
Pioche, NV 89043

Attn Ian Campbell
Washoe County Library
301 South Center
P O Box 2151
Reno, NV 89505

Attn Jan Lough
Douglas County Library
1625 Library Lane
P O Box 337
Minden, NV 89423

Lyon County Library
20 Nhvin Way
Yerington, NV 89447

Department of Motor Vehicles and Public Safety
1984 County Road
Minden, NV 89013

Washoe County Public Library
301 S Center Street
Reno, NV 89501

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445

Storey County Library
95 South R Street
P O Box 14
Virginia City, NV 89440

NV State Library & Archives
100 Stewart St
Carson City, NV 89710

Esmeralda County
Goldfield Public Library
Fourth & Crook St
P O Box 430
Goldfield, NV 89013

Nye County
Tonopah Public Library
171 Central Street
P O Box 449
Tonopah, NV 89049

Carson City Public Library
900 N Roop St
Carson City, NV 89701

Eureka Branch Library
10190 Monroe Street
P O Box 293
Eureka, NV 89316

Attn Jeanne Munk Dir
Pershing County Library
1125 Central Ave
P O Box 781
Lovelock, NV 89419

White Pine County Library
950 Campton Street
Ely, NV 89301

and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend a hearing. If special arrangements are necessary, please notify James Rhode at (775) 684-4653 in Carson City no later than five (5) working days prior to the date of the hearing.

James Rhode, Program Officer
Nevada Highway Patrol

NOTICE OF ADOPTION OF TEMPORARY REGULATION

The Department of Motor Vehicles and Public Safety, Nevada Highway Patrol Division, adopted regulations which pertain to chapter 459 of the Nevada Administrative Code on September 25, 2000. A copy of the regulations as adopted is attached hereto.

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 459.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

The proposed temporary regulations were noticed by posting them in the offices of the Department of Motor Vehicles and Public Safety, throughout the state, and in the public libraries in each county. We received no public response to the notice. There are no written comments to be obtained.

2. The number of persons:

Workshop

- | | |
|--|---|
| (a) Attend workshop | 1 |
| (b) Submitted to the agency written comments | 0 |

Hearing

- | | |
|--|---|
| (a) Attend hearing: | 0 |
| (b) Testified at hearing: | 0 |
| (c) Submitted to the agency written comments | 0 |

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation on how other interested persons may obtain a copy of the summary.

Comments were solicited from affected industry by sending copies of the proposed notice of intent to act upon a regulation, with a copy of the temporary regulations. No written comments were received. There are no written comments to be obtained.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

With no public, business or industry association comment there was no basis for change.

5. The estimated economic effect of the adopted regulation on the business which it is to

regulate and on the public. These must be stated separately, and each case must include:
(a) Both adverse and beneficial effects; and
(b) Both immediate and long-term effects

The adopted regulation(s) to NAC 459 are not expected to have an adverse economic effect, either immediate or long-term, upon the regulated community, unless they violate the provisions of NRS 459.725 or the adopted regulation(s). The adopted regulation(s) to NAC 459 are also not expected to have an adverse economic effect, either immediate or long-term, upon the public.

6. The estimated cost to the agency for enforcement of the adopted regulation.

At this time, the department or division does not anticipate any increase costs associated with enforcement of the adopted regulation(s), which primarily update new language in NRS, and allow the imposition of civil penalties upon a person who violates a provision of NRS 459.708 to 459.725 or the adopted regulation(s).

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or over-lapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The adopted regulation(s) do not overlap or duplicate any other state, local government, or federal regulation.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of those provisions.

The adopted regulation(s) are not more stringent than federal regulations.

9. If the regulation establishes a new fee or increases an existing fee, a statement indication the total annual amount the agency expects to collect and the manner in which the money will be used.

The adopted regulation(s) establish a schedule for civil penalties (based upon a uniform fine schedule recommended by the Commercial Vehicle Safety Alliance [CVSA] for violation of NRS 459.708 to 459.725 or the adopted regulations. At this time it is estimated that the total annual amount of fines to be collected will be less than \$100,000. The collected fines would be used to offset any unexpected expenses associated with assessing the fines and/or used to educate the industry of the benefits of operating commercial in a safe manner on the public highways.