

**PROPOSED REGULATION OF THE
DEPARTMENT OF TRANSPORTATION**

LCB File No. R156-06

July 28, 2006

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

AUTHORITY: §1, NRS 484.739; §2, NRS 484.743, 484.762, 484.7625 and 484.7631.

A REGULATION relating to traffic laws; revising the provisions concerning the suspension of permit privileges of a permittee; and providing other matters properly relating thereto.

Section 1. NAC 484.358 is hereby amended to read as follows:

484.358 If *any driver employed by* a ~~[holder of a permit issued pursuant to NRS 484.739]~~ *permittee or by a company under contract to a permittee* receives three citations within a period of 6 months for violations of a condition or restriction on the permit, the Department may suspend ~~[the]~~ *all* permit privileges of the ~~[holder]~~ *permittee* for up to 30 days.

Sec. 2. NAC 484.535 is hereby amended to read as follows:

484.535 Permits issued will authorize movement upon the highways maintained by the Department under the following conditions:

1. Transportation equipment must comply in all respects with the motor vehicle laws of the State of Nevada and all other provisions of the law regarding the use, operation and licensing of motor vehicles and must at all times be operated with regard to public safety.

2. When traffic, weather or other conditions are determined by the Department or the law enforcement agency to constitute a hazard, the permit may be temporarily suspended or restricted in use.

3. Except as otherwise provided in this subsection, all posted speed limits and “advisory speed” signs must be complied with. If the Department issues a permit that sets forth a speed limit for a particular highway or a section of a particular highway, that speed limit must be complied with.

4. The cost of repair of any roadway shoulders, surfacing, guideposts, marker posts, snow marker posts, signs or signposts, bridge or bridge rail or any other appurtenances of the highway or highway right-of-way damaged or unduly disturbed by the permittee’s operation must be paid by the permittee. The Department shall determine the amount of damages and bill the permittee. The permittee shall pay the bill by cash or certified check within 20 days after receipt of the bill. The failure of the permittee to pay the bill in a timely manner constitutes cause for revocation of his permit, and no other permits will be issued to him until the bill is satisfied.

5. The permittee shall defend, indemnify and hold harmless the State of Nevada, its officers, employees and agents from any liability, damages, claims or actions for injury to persons or damage to property, whether the property belongs to the State, to the permittee or to third parties, and whether caused by the permittee or an agent or employee of the permittee in the performance or exercise of the permit. Each permit issued by the Department must contain indemnification language in substantially the same form as set forth in this subsection.

6. The Department reserves the right to revoke any or all portions of a permit at any time or for any cause which the Department deems necessary to fulfill its obligations, and the Department is not responsible for any damage sustained by the permittee as a result of such revocation.

7. ~~[A permittee who]~~ *If any driver employed by a permittee or by a company under contract to a permittee* receives three citations within a period of 6 months for ~~[violation of]~~

violations of a condition or restriction on the permit ~~[conditions may, at the Department's discretion, have his permit privileges suspended]~~, *the Department may suspend all permit privileges of the permittee* for up to 30 days.

8. Except as otherwise provided in this subsection and subsection 9 and unless a person possesses a permit issued by the Department that allows his vehicle to exceed the following limitations:

(a) The maximum weight per tire, measured by pounds per inch of tire width, is 600 pounds per inch for the steering axle and 500 pounds per inch for all other axles, not to exceed the axle rating.

(b) Except for steering axles and axles that weigh less than 10,000 pounds, each axle must have at least four tires if the tire width of each tire on an axle is less than or equal to 14 inches. If the maximum weight per tire does not exceed 500 pounds per inch of tire width, an axle may be equipped with tires that have a width of more than 14 inches.

9. The provisions of subsection 8 do not apply to a bus owned or operated by the Clark County Regional Transportation Commission.

10. A vehicle for which a permit is issued is subject to a Level 1 - North American Standard Inspection by the Department or a law enforcement agency before the vehicle may be moved. If the vehicle fails to pass the inspection, the permit will be revoked. The Department hereby adopts by reference the procedures of the Commercial Vehicle Safety Alliance for conducting a Level I - North American Standard Inspection. A copy of the procedures for conducting a Level I - North American Standard Inspection may be obtained from the Commercial Vehicle Safety Alliance, 1101 17th Street, N.W., Suite 803, Washington, D.C. 20036, by telephone at (202) 775-1623 or at the Internet address <http://store.yahoo.com/cvsa/noamstinprsc.html> for the

price of \$2.50 for members of the Commercial Vehicle Safety Alliance or \$3.50 for nonmembers.

11. Two or more oversized or overweight vehicles may not participate in a convoy unless the permit for each vehicle participating in the convoy so authorizes.