



NMTA 511

End of Session Report

The 74th Session of the Nevada Legislature (and 23rd Special Session) is over so the trucking industry can breathe a temporary sigh of relief, because the 75th promises to be even more contentious. The trucking industry will continue to be a favorite target of some politicians who do not understand how crucial trucks are in the lives of every person and that the trucking industry does pay its fair share. Below is a synopsis of some of the important pieces of legislation that the N.M.T.A. worked on.

The NMTA will keep you informed during the interim and the 2008 election cycle about the candidates who are friendly to the trucking industry, and those who are not.

Transportation Funding

Arguably the largest debate of the 2007 centered on funding Nevada's infrastructure needs. The trucking industry was targeted by the Assembly Democratic caucus with a weight distance tax and by Senate Democrats with a 6 cent per gallon tax increase on diesel fuel. Governor Jim Gibbons keeping his pledge not to raise taxes focused on getting room tax revenue diverted away from the Las Vegas Convention and Visitors Authority (LVCVA).

The compromise legislation that was amended A.B. 595 included:

- \$300,000,000 diversion of room tax revenue from the LVCVA;
- Reducing the collection allowance that rental car keep from 4% to 3%; and
- Diverting 3 cents from local governments collected on property taxes.

The above revenue sources will allow Nevada to bond up \$1.86 billion for road projects.

The bill also establishes significant reforms in the Nevada Department of Transportation by implementing performance measurements, which will make NDOT more transparent and requiring that benefits cost analysis be done on all new highway construction. These reforms were championed by Senators Mark Amodei (R-Carson City) and Bob Beers (R-Las Vegas) and also supported by the N.M.T.A..

Weight Distance Tax



[A.B. 595](#), was amended March 29th in the Assembly Committee on Transportation to implement the weight-distance tax at a rate of 15 cents per mile for vehicles over with a declared gross weight over 55,000 lbs.. The N.M.T.A. worked diligently against the weight distance tax and fought a last ditch effort by Assembly Transportation Committee Chairman Kelvin Atkinson to place an advisory question on the ballot to ask the public if they supported implementing a weight distance tax. Assemblyman Atkinson along with Senator Bob Coffin have stated that they will be pursuing a weight distance tax against the trucking industry in the 2009 Legislative Session.

The weight distance tax was amended out of A.B. 595 and Assemblyman Kelvin Atkinson's last ditch effort to place a weight distance tax advisory question on the ballot was never heard in the Senate.

The defeat of the weight distance tax saved the trucking industry and the citizens of Nevada \$1.2 billion through 2015.

Staggered Registration



A.B. 5 - would allow 100% Nevada based carriers to register their fleets at various times throughout the year, pass out of the full Assembly in a 41-0 vote. A.B. 5, sponsored by Assemblyman Joe Hardy (R-Boulder City), will allow the Department of Motor Vehicles to set regulations allowing 100% Nevada based carriers to register on either March 31st or September 30th. This is a win-win situation for both the DMV and the affected trucking companies, as it spreads out the burden on the Department of Motor Vehicles throughout the year, and allows trucking companies to better manage their cash flow. This is the fourth time that this measure has been brought before the Legislature.

The bill was signed into law by Governor Gibbons.

Mandatory Tarps

[S.B. 236](#) would require a person driving on a highway with a load which consists of loose material such as sand, aggregate, rock or gravel, shall cover the load with a secure covering such as a tarp. If passed the bill would have a detrimental impact on many trucking companies. At a cost of anywhere from \$800 to \$3,800 per tarp it could cost companies with a large fleet upwards of \$1,000,000 per company.

S.B. 236 died in the Senate Transportation Committee.

Prohibiting Trucks on Scenic Byways



[S.B. 128](#) would prohibit trucks from traveling on scenic byways. After discussions with the Nevada Motor Transport Association, Senator Titus (D-Las Vegas) offered an amendment to the bill which would only prohibit trucks on State Route 159 through the red rock scenic area. The Nevada Motor Transport Association was told that NDOT was already looking at banning trucks on S.R. 159 so we want to establish reasonable criteria to evaluate prohibition of commercial vehicles in the future.

S.B. 128 passed both houses and has been delivered to the Governor.

Idling Restrictions



[A.B. 173](#), sponsored by Assemblyman Joe Hogan (D-Las Vegas), which would change existing regulations established by the State Environmental Commission prohibit a person from idling the engine of a diesel truck or bus for longer than 15 consecutive minutes except in certain circumstances to prohibit a person from idling the engine of a heavy-duty motor vehicle powered by diesel fuel or a bus for more than 5 consecutive minutes, or more than 15 minutes total, during a period of an hour. A person who violates the prohibition against idling is guilty of a misdemeanor and is subject to an administrative fine. The N.M.T.A. strongly opposed this bill.

A.B. 173 died in the Assembly Natural Resources Committee.

Truck Lane Prohibitions



[A.B. 118](#), sponsored by Assemblyman Mo Denis (D-Las Vegas), would prohibit a vehicle over 26,000 lbs to travel in the left-hand lane on a road with 3 or more lanes going in each direction, and charge anyone in violation law with a misdemeanor. During testimony on the bill Assemblyman Denis submitted an amendment with gives the Nevada Department of Transportation (NDOT) the authority to place advisory signage on which lanes a truck can travel in. NMTA opposed the mandate contained in the original bill, but had no opposition to the amendment since NDOT already has that authority.

The bill was signed into law by Governor Gibbons.

Administrative Regulations



[S.B. 367](#) which makes changes in how administrative regulations are adopted. Currently many departments will hold a workshop and a hearing on the same day to “ram and jam” a regulation through. In 2006 the Nevada Motor Transport Association experienced this issue first hand when the Department of Motor Vehicles attempted to slip through a regulation to no longer provide medical waivers on commercial drivers licenses. It took the protests of many individuals to turn it into a more collaborative process. S.B. 367 will also require that the proposed regulations be posted on the agencies website to ensure that the public knows how the regulation will impact them before it is adopted. The bill is scheduled to be heard in the Assembly Committee on Government Affairs.

SB. 367 was signed into law by Governor Gibbons.

Ports of Entry



[A.B. 374](#) would establish ports of entry in Nevada. The bill, sponsored by Assembly Majority Leader John Ocegüera (D-Las Vegas), would require the Department of Transportation to construct ports of entry on interstates 15 in southern Nevada, and interstate 80 in the north. There is a provision in the bill that would require each motor carrier entering the state of Nevada, on these routes, to be subjected and charged for an inspection using x-ray technology. The Nevada Department of Transportation has stated that building the ports of entry will cost the state \$300 million to construct and over \$30 million to operate over

the next two years. The sponsor suggested an amendment to the bill which will put the entire cost of building and running these ports on the trucking industry through a public-private partnership. The bill is in the Assembly Committee on Ways and Means. While we are in favor of more enforcement we do not believe with the associated costs contained in this bill is the proper course for Nevada.

A.B. 374 died in the Assembly Committee on Ways and Means.



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