

SENATE BILL NO. 296—COMMITTEE ON COMMERCE AND LABOR

MARCH 3, 1999

Referred to Committee on Transportation

SUMMARY—Provides for certain deregulation of various motor carriers. (BDR 58-367)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to transportation; providing for certain deregulation of tow cars, buses, and common motor carriers that are not carriers of household goods; transferring the responsibility for the administration of certain provisions relating to liability insurance from the transportation services authority to the department of motor vehicles and public safety; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 706 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 6, inclusive, of this act.
- 3 **Sec. 2.** *“Carrier of household goods” means a motor carrier that*
4 *engages in the business of the transportation of household goods.*
- 5 **Sec. 3.** *“Limousine motor carrier” means a person who operates a*
6 *livery limousine or traditional limousine.*
- 7 **Sec. 4.** *“Livery limousine” means a motor vehicle that:*
8 1. *At the time of its manufacture, was a light truck, as that term is*
9 *defined in 49 C.F.R. § 523.5 as that section existed on January 1, 1999;*
10 2. *Has a capacity of 9 or more persons but less than 16 persons,*
11 *including the driver; and*
12 3. *Is engaged in the general transportation of persons for*
13 *compensation and is not operated on a regular schedule or over regular*
14 *routes.*
- 15 **Sec. 5.** *“Traditional limousine” means a motor vehicle that is*
16 *engaged in the general transportation of persons for compensation and is*
17 *not operated on a regular schedule or over regular routes and which:*

1 **1. At the time of its manufacture, was a passenger automobile, as**
2 **that term is defined in 49 C.F.R. § 523.4 as that section existed on**
3 **January 1, 1999, and which was later modified to increase its length; or**

4 **2. Has a capacity of less than 9 persons, including the driver.**

5 **Sec. 6. All regulations, practices and service prescribed by the**
6 **authority must be enforced and are prima facie reasonable unless**
7 **suspended or found otherwise in an action brought for the purpose, or**
8 **until changed or modified by the authority itself upon satisfactory**
9 **showing made.**

10 **Sec. 7. NRS 706.011 is hereby amended to read as follows:**

11 706.011 As used in NRS 706.013 to 706.791, inclusive, **and sections 2**
12 **to 6, inclusive, of this act**, unless the context otherwise requires, the words
13 and terms defined in NRS 706.013 to 706.146, inclusive, **and sections 2 to**
14 **5, inclusive, of this act** have the meanings ascribed to them in those
15 sections.

16 **Sec. 8. NRS 706.013 is hereby amended to read as follows:**

17 706.013 “Advertise” means the commercial use of any medium,
18 including, but not limited to, the radio or television, or a newspaper,
19 magazine, directory, sign or other printed matter, by a ~~{common or~~
20 ~~contract}~~ **taxicab** motor carrier , **limousine motor carrier or carrier of**
21 **household goods** to bring the services of the carrier to the attention of
22 members of the general public.

23 **Sec. 9. NRS 706.036 is hereby amended to read as follows:**

24 706.036 “Common motor carrier” means any person or operator who
25 holds himself out to the public as willing to transport by vehicle from place
26 to place, either upon fixed route or on-call operations, passengers or
27 property, including a common motor carrier of passengers ~~{}~~ **and** a
28 common motor carrier of property . ~~{, and}~~ **The term does not include** a
29 taxicab motor carrier ~~{}~~ , **limousine motor carrier or carrier of household**
30 **goods.**

31 **Sec. 10. NRS 706.041 is hereby amended to read as follows:**

32 706.041 “Common motor carrier of passengers” means any person or
33 operator ~~{, including a taxicab motor carrier,}~~ who holds himself out to the
34 public as willing to transport by vehicle from place to place, either upon
35 fixed route or on-call operations, passengers or passengers and light
36 express for all who may choose to employ him. **The term does not include**
37 **a taxicab motor carrier or limousine motor carrier.**

38 **Sec. 11. NRS 706.046 is hereby amended to read as follows:**

39 706.046 “Common motor carrier of property” means any person or
40 operator, including a motor convoy carrier, who holds himself out to the
41 public as willing to transport by motor vehicle from place to place, either
42 upon fixed route or on-call operations, the property of all who may choose
43 to employ him. **The term does not include a carrier of household goods.**

1 **Sec. 12.** NRS 706.051 is hereby amended to read as follows:

2 706.051 “Contract motor carrier” means any person or operator
3 engaged in transportation by motor vehicle of passengers or household
4 goods for compensation pursuant to continuing contracts with one person
5 or a limited number of persons:

6 1. For the furnishing of transportation services through the assignment
7 of motor vehicles for a continuing period ~~{of time}~~ to the exclusive use of
8 each person served;

9 2. For the furnishing of transportation services designed to meet the
10 distinct need of each individual customer; and

11 3. Not operating as a common motor carrier of passengers or property
12 ~~{1.}~~, *or as a taxicab motor carrier or limousine motor carrier.*

13 **Sec. 13.** NRS 706.124 is hereby amended to read as follows:

14 706.124 **1.** “Taxicab” means a vehicle which is not operated over a
15 fixed route, is designed or constructed to accommodate and transport not
16 more than six passengers, including the driver, and is:

17 ~~{1.}~~ **(a)** Fitted with a taximeter or has some other device, method or
18 system to indicate and determine the passenger fare charged for the
19 distance traveled;

20 ~~{2.}~~ **(b)** Used in the transportation of passengers or light express, or
21 both, for which a charge or fee is received; or

22 ~~{3.}~~ **(c)** Operated in any service which is held out to the public as being
23 available for the transportation of passengers from place to place in the
24 State of Nevada.

25 **2. The term does not include a motor vehicle of:**

26 **(a) A common motor carrier;**

27 **(b) A contract motor carrier;**

28 **(c) An employer who operates the vehicle for the transportation of his**
29 **employees, whether or not the employees pay for the transportation;**

30 **(d) An operator of a bus service; or**

31 **(e) A limousine motor carrier.**

32 **Sec. 14.** NRS 706.151 is hereby amended to read as follows:

33 706.151 **1.** It is hereby declared to be the purpose and policy of the
34 legislature in enacting this chapter:

35 (a) Except to the extent otherwise provided in NRS 706.881 to 706.885,
36 inclusive, to confer upon the authority the power and to make it the duty of
37 the authority to regulate ~~{fully-regulated-carriers, operators of tow cars and~~
38 ~~brokers of regulated services}~~ *taxicab motor carriers, limousine motor*

39 *carriers and carriers of household goods* to the extent provided in this
40 chapter, and to confer upon the department the power to license all motor
41 carriers and to make it the duty of the department to enforce the provisions
42 of this chapter and the regulations adopted by the authority pursuant ~~{to it,}~~

1 *thereto*, to relieve the undue burdens on the highways arising by reason of
2 the use of the highways by vehicles in a gainful occupation thereon.

3 (b) To provide for reasonable compensation for the use of the highways
4 in gainful occupations, and enable the State of Nevada, by using license
5 fees, to provide for the proper construction, maintenance and repair thereof,
6 and thereby protect the safety and welfare of the traveling and shipping
7 public in their use of the highways.

8 (c) To provide for fair and impartial regulation, to promote safe,
9 adequate, economical and efficient service and to foster sound economic
10 conditions in motor transportation.

11 (d) To encourage the establishment and maintenance of reasonable
12 charges for ~~the~~:

13 ~~—(1) Intrastate transportation by fully regulated carriers; and~~

14 ~~—(2) Towing services performed without the prior consent of the owner
15 of the vehicle or the person authorized by the owner to operate the vehicle;~~

16 *the transportation of passengers by taxicab motor carriers and limousine*
17 *motor carriers, and the transportation of household goods by carriers of*
18 *household goods*, without unjust discriminations against or undue
19 preferences or advantages being given to any *taxicab* motor carrier ,
20 *limousine motor carrier or carrier of household goods*, or applicant for a
21 certificate of public convenience and necessity.

22 (e) To discourage any practices which would tend to increase or create
23 competition that may be detrimental to the ~~traveling and shipping public or~~
24 ~~the motor carrier~~ business *of transporting passengers by a taxicab motor*
25 *carrier or limousine motor carrier, or transporting household goods by a*
26 *carrier of household goods*, within this state.

27 2. All of the provisions of this chapter must be administered and
28 enforced with a view to carrying out the declaration of policy contained in
29 this section.

30 **Sec. 15.** NRS 706.1514 is hereby amended to read as follows:

31 706.1514 1. A majority of the members of the authority may exercise
32 all of the power and conduct the business of the authority relating to
33 ~~common or contract carriers, taxicabs,~~ *taxicab motor carriers, limousine*
34 *motor carriers, carriers of household goods* and the warehousing of
35 household goods as provided in this chapter and chapter 712 of NRS.

36 2. Except as otherwise provided in this subsection, public hearings
37 must be conducted by one or more members of the authority. An
38 administrative proceeding conducted pursuant to subsection 2 of NRS
39 706.771 ~~may~~ *must* be conducted by ~~an~~ *an independent* hearing officer
40 designated by the chairman of the authority.

41 **Sec. 16.** NRS 706.1515 is hereby amended to read as follows:

42 706.1515 1. Any ~~common or contract~~ *taxicab motor* carrier ,
43 *limousine motor carrier or carrier of household goods* subject to the

jurisdiction of the authority that elects to maintain its books and records outside the State of Nevada ~~[shall,]~~ **must**, in addition to any other assessment and fees provided for by law, be assessed by the authority for an amount equal to the travel expenses and the excess of the out-of-state subsistence allowances over the in-state subsistence allowances, as fixed by NRS 281.160, of members of the authority and staff, for investigations, inspections and audits required to be performed outside this state.

2. The assessments provided for by this section must be determined by the authority upon the completion of each such investigation, inspection, audit or appearance and are due within 30 days after receipt by the affected ~~[common or contract]~~ **taxicab motor carrier, limousine motor carrier or carrier of household goods** of the notice of assessment.

3. The records of the authority relating to the additional costs incurred by reason of the necessary additional travel must be open for inspection by the affected ~~[common or contract]~~ **taxicab motor carrier, limousine motor carrier or carrier of household goods** at any time within the 30-day period.

Sec. 17. NRS 706.156 is hereby amended to read as follows:

706.156 ~~[1.—All common and contract motor carriers and brokers]~~ **All taxicab motor carriers, limousine motor carriers and carriers of household goods** are hereby declared to be, to the extent provided in this chapter:

~~[(a)]~~ **1.** Affected with a public interest; and

~~[(b)]~~ **2.** Subject to NRS 706.011 to 706.791, inclusive ~~[-~~

~~—2.—A purchaser or broker of transportation services which are provided by a common motor carrier who holds a certificate of public convenience and necessity may resell those services, in combination with other services and facilities that are not related to transportation, but only in a manner complying with the scope of authority set forth in the certificate of the common motor carrier. The authority shall not prohibit or restrict such a purchaser or broker from reselling those transportation services to any person based upon that person's affiliation, or lack of affiliation, with any group.] , and sections 2 to 6, inclusive, of this act.~~

Sec. 18. NRS 706.166 is hereby amended to read as follows:

706.166 The authority shall:

1. ~~[Subject to the limitation provided in NRS 706.168 and to]~~ **To** the extent provided in this chapter, supervise and regulate ~~[-~~

~~—(a) Every fully regulated carrier and broker of regulated services]~~ **each taxicab motor carrier, limousine motor carrier and carrier of household goods** in this state in all matters directly related to ~~[those]~~ **the** activities of the **taxicab** motor carrier ~~[and broker]~~ **, limousine motor carrier or carrier of household goods** actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.

1 ~~[(b) Every operator of a tow car concerning the rates and charges~~
2 ~~assessed for towing services performed without the prior consent of the~~
3 ~~operator of the vehicle or the person authorized by the owner to operate the~~
4 ~~vehicle and pursuant to the provisions of NRS 706.011 to 706.791,~~
5 ~~inclusive.]~~

6 2. Supervise and regulate the storage of household goods and effects in
7 warehouses and the operation and maintenance of such warehouses in
8 accordance with the provisions of this chapter and chapter 712 of NRS.

9 3. Enforce the standards of safety applicable to the employees,
10 equipment, facilities and operations of ~~[those common and contract carriers~~
11 ~~subject to the authority of the department]~~ *taxicab motor carriers,*
12 *limousine motor carriers and carriers of household goods* by:

13 (a) Providing training in safety;

14 (b) Reviewing and observing the programs or inspections of ~~[the carrier]~~
15 *taxicab motor carriers, limousine motor carriers and carriers of*
16 *household goods* relating to safety; and

17 (c) Conducting inspections relating to safety . ~~[at the operating terminals~~
18 ~~of the carrier.]~~

19 4. To carry out the policies expressed in NRS 706.151, adopt
20 regulations providing for agreements between two or more ~~[fully regulated~~
21 ~~carriers or two or more operators of tow cars]~~ *carriers of household goods*
22 relating to:

23 (a) Fares ; ~~[of fully regulated carriers;~~

24 ~~—(b) All rates of fully regulated carriers and rates of operators of tow cars~~
25 ~~for towing services performed without the prior consent of the owner of the~~
26 ~~vehicle or the person authorized by the owner to operate the vehicle;]~~

27 *(b) Rates;*

28 (c) Classifications;

29 (d) Divisions;

30 (e) Allowances; and

31 (f) All charges of ~~[fully regulated carriers and charges of operators of~~
32 ~~tow cars for towing services performed without the prior consent of the~~
33 ~~owner of the vehicle or the person authorized by the owner to operate the~~
34 ~~vehicle,]~~ *carriers of household goods*, including charges between carriers
35 and compensation paid or received for the use of facilities and
36 equipment.

37 These regulations may not provide for collective agreements which restrain
38 any party from taking free and independent action.

39 5. Review decisions of the taxicab authority appealed to the
40 *transportation services* authority pursuant to NRS 706.8819.

1 **Sec. 19.** NRS 706.167 is hereby amended to read as follows:

2 706.167 1. Each ~~{fully regulated carrier, operator of a tow car and~~
3 ~~common or contract}~~ **taxicab motor** carrier, **limousine motor carrier and**
4 **carrier of household goods** regulated by the authority shall:

5 (a) Keep uniform and detailed accounts of all business transacted in the
6 manner required by the authority by regulation and render them to the
7 authority upon its request.

8 (b) Furnish an annual report to the authority in the form and detail that it
9 prescribes by regulation.

10 ~~{The regulations of the authority may not require an operator of a tow car to~~
11 ~~keep accounts and report information concerning towing services other than~~
12 ~~information that is necessary to permit the authority to enforce the~~
13 ~~provisions of NRS 706.011 to 706.791, inclusive.}~~

14 2. Except as otherwise provided in subsection 3, the reports required
15 by this section must be prepared for each calendar year and submitted not
16 later than May 15 of the year following the year for which the report is
17 submitted.

18 3. A **taxicab motor** carrier, **limousine motor carrier or carrier of**
19 **household goods** may, with the permission of the authority, prepare the
20 reports required by this section for a year other than a calendar year that the
21 authority specifies and submit them not later than a date specified by the
22 authority in each year.

23 4. If the authority finds that necessary information is not contained in a
24 report submitted pursuant to this section, it may call for the omitted
25 information at any time.

26 **Sec. 20.** NRS 706.169 is hereby amended to read as follows:

27 706.169 The department shall ~~1:~~

28 ~~—1.— Regulate the activities of common and contract carriers of property~~
29 ~~other than fully regulated carriers and operators of tow cars.~~

30 ~~—2.— Regulate~~ **regulate** the licensing of private motor carriers of property
31 used for private commercial enterprises on any highway in this state.

32 **Sec. 21.** NRS 706.171 is hereby amended to read as follows:

33 706.171 1. The ~~{authority and the}~~ department may:

34 (a) Make necessary and reasonable regulations governing the
35 administration and enforcement of the provisions of this chapter for which
36 ~~{they are each}~~ **the department is** responsible.

37 (b) Adopt by reference any appropriate rule or regulation, as it exists at
38 the time of adoption, issued by the United States Department of
39 Transportation, the Surface Transportation Board, any other agency of the
40 Federal Government, or the National Association of Regulatory Utility
41 Commissioners.

(c) Require such reports and the maintenance of such records as ~~they determine~~ **the department determines** to be necessary for the administration and enforcement of this chapter.

(d) Except as otherwise provided in this section, examine, at any time during the business hours of the day, the books, papers and records of any ~~fully regulated carrier, and of any other~~ common, contract or private motor carrier, **taxicab motor carrier, limousine motor carrier or carrier of household goods** doing business in this state to the extent necessary for ~~their respective duties. The authority and~~ the **department to carry out the provisions of this chapter. The** department may examine in other states or require by subpoena the production inside this state of such books, papers and records as are not maintained in this state.

(e) Temporarily waive any requirement for a ~~certificate or permit~~ **license** when an emergency exists as defined in NRS 706.561.

2. No personnel records of an employee of a ~~fully regulated carrier, or of any other~~ common, contract or private motor carrier, **taxicab motor carrier, limousine motor carrier or carrier of household goods** may be examined pursuant to paragraph (d) of subsection 1 unless the records contain information relating to a matter of public safety or ~~the authority and~~ the department ~~determine~~ **determines** that the examination is required to protect the interests of the public.

3. The department may adopt regulations to ensure the payment of any fee due or authorized pursuant to the provisions of this chapter.

4. As used in this section, "personnel records" does not include:

- (a) The name of the employee who is the subject of the record;
- (b) The gross compensation and perquisites of the employee;
- (c) Any record of the business expenses of the employee;
- (d) The title or any description of the position held by the employee;
- (e) The qualifications required for the position held by the employee;
- (f) The business address of the employee;
- (g) The telephone number of the employee at his place of business;
- (h) The work schedule of the employee;
- (i) The date on which the employee began his employment; and
- (j) If applicable, the date on which the employment of the employee was terminated.

Sec. 22. NRS 706.1717 is hereby amended to read as follows:

706.1717 The authority may, in carrying out its duties:

1. Cooperate with the Federal Government and its departments and agencies.

2. Confer with the regulatory agencies of other states on matters of mutual concern and benefit to persons served by **taxicab motor carriers, limousine motor carriers and carriers of household goods** of this state.

3. Use the services, records, facilities and cooperation of federal and state regulatory agencies, and hold joint hearings and participate in joint conferences to reach decisions in matters that require cooperation. All necessary expenses incurred in attending hearings and conferences outside this state are a charge against the state and must be audited and paid as other claims against the state are paid.

Sec. 23. NRS 706.172 is hereby amended to read as follows:

706.172 1. *The authority may:*

(a) *Make necessary and reasonable regulations governing the administration and enforcement of the provisions of this chapter for which the authority is responsible.*

(b) *Require such reports and the maintenance of such records as the authority determines to be necessary for the administration and enforcement of this chapter.*

(c) *Temporarily waive any requirement for a certificate or permit when an emergency exists as defined in NRS 706.561.*

2. Except as otherwise provided in subsection ~~{2,}~~ 3, any member of the authority or any officer or employee of the authority who is designated by the authority may examine during the regular business hours the books, accounts, records, minutes, papers and property of any person who is regulated by the authority . ~~{and who does business in this state, whether or not the book, account, record, minutes, paper or property is located within this state.~~

~~—2.}~~ *The authority may examine in other states or require by subpoena the production inside this state of any such books, accounts, records, minutes, papers and property that are not maintained in this state.*

3. No personnel records of an employee may be examined pursuant to subsection ~~{4}~~ 2 unless the records contain information relating to a matter of public safety or the authority determines that the examination is required to protect the interests of the public.

~~{3.}~~ 4. As used in this section, “personnel records” does not include:

- (a) The name of the employee who is the subject of the record;
- (b) The gross compensation and perquisites of the employee;
- (c) Any record of the business expenses of the employee;
- (d) The title or any description of the position held by the employee;
- (e) The qualifications required for the position held by the employee;
- (f) The business address of the employee;
- (g) The telephone number of the employee at his place of business;
- (h) The work schedule of the employee;
- (i) The date on which the employee began his employment; and
- (j) If applicable, the date on which the employment of the employee was terminated.

Sec. 24. NRS 706.173 is hereby amended to read as follows:

706.173 1. The authority or the department may, by regulation applicable to ~~[common, contract and private]~~ **taxicab** motor carriers ~~[of passengers and property,]~~ **, limousine motor carriers and carriers of household goods,** adopt standards for safety for drivers and vehicles.

2. ***The department may, by regulation applicable to common, contract and private motor carriers of passengers or property, or both, adopt standards for safety for drivers and vehicles.***

3. The department may, by regulation applicable to all motor vehicles transporting hazardous materials, adopt standards for the transportation of hazardous materials and hazardous waste as defined in NRS 459.430.

Sec. 25. NRS 706.197 is hereby amended to read as follows:

706.197 1. The authority may collect fees for the filing of any official document required by this chapter or by a regulation of the authority ~~[H]~~ **to be filed with the authority.**

2. Filing fees may not exceed:

(a) For applications, \$200.

(b) For petitions seeking affirmative relief, \$200.

(c) For each tariff page that requires public notice and is not attached to an application, \$10. If more than one page is filed at one time, the total fee may not exceed the cost of notice and publication.

(d) For all other documents that require public notice, \$10.

3. If an application or other document is rejected by the authority because it is inadequate or inappropriate, the filing fee must be returned.

4. The authority may not charge any fee for filing a complaint.

Sec. 26. NRS 706.226 is hereby amended to read as follows:

706.226 No common, contract or private motor carrier **, taxicab motor carrier, limousine motor carrier or carrier of household goods** may operate on any highway ~~[nor any broker of regulated services engage in business]~~ in this state except in accordance with the provisions of this chapter.

Sec. 27. NRS 706.246 is hereby amended to read as follows:

706.246 Except as otherwise provided in NRS 706.235:

1. A common or contract motor carrier **, taxicab motor carrier, limousine motor carrier or carrier of household goods** shall not permit or require a driver to drive ~~[or tow]~~ any vehicle revealed by inspection or operation to be in such condition that its operation would be hazardous or likely to result in a breakdown of the vehicle, and a driver shall not drive ~~[or tow]~~ any vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown of the vehicle. If, while any vehicle is being operated on a highway, it is discovered to be in such an unsafe condition, it may be continued in operation, except as further limited by subsection 2 ~~[H]~~ **or 3,**

1 only to the nearest place where repairs can safely be effected, and even that
2 operation may be conducted only if it is less hazardous to the public than
3 permitting the vehicle to remain on the highway.

4 2. A ~~{common or contract motor carrier or private}~~ **taxicab** motor
5 carrier, **limousine motor carrier or carrier of household goods** shall not
6 permit or require a driver to drive, ~~{or tow,}~~ and a driver shall not drive,
7 ~~{or tow,}~~ any vehicle which:

8 (a) By reason of its mechanical condition is so imminently hazardous to
9 operate as to be likely to cause an accident or a breakdown; and

10 (b) Has been declared "out of service" by an authorized employee of the
11 authority. ~~{or the department.}~~

12 When the repairs have been made, the carrier shall so certify to the
13 authority ~~{or the department, whichever agency declared the vehicle "out of~~
14 ~~service,}"~~ as required by the authority. ~~{or the department.}~~

15 3. **A common or contract motor carrier, private motor carrier,**
16 **taxicab motor carrier, limousine motor carrier or carrier of household**
17 **goods shall not permit or require a driver to drive, and a driver shall not**
18 **drive, any vehicle which:**

19 (a) **By reason of its mechanical condition is so imminently hazardous**
20 **to operate as to be likely to cause an accident or a breakdown; and**

21 (b) **Has been declared "out of service" by an authorized employee of**
22 **the department.**

23 **When the repairs have been made, the carrier shall so certify to the**
24 **department, as required by the department.**

25 **Sec. 28.** NRS 706.251 is hereby amended to read as follows:

26 706.251 1. Every person operating a vehicle ~~{used by any motor~~
27 ~~carrier}~~ under the jurisdiction of the authority shall forthwith report each
28 accident occurring on the public highway, wherein the vehicle may have
29 injured the person or property of some person other than the person or
30 property carried by the vehicle, to the sheriff or other peace officer of the
31 county where the accident occurred. If the accident immediately or
32 proximately causes death, the person in charge of the vehicle, or any officer
33 investigating the accident, shall furnish to the authority such detailed report
34 thereof as required by the authority.

35 2. All accident reports required in this section must be filed in the
36 office of the authority and there preserved. An accident report made as
37 required by this chapter, or any report of the authority made pursuant to any
38 accident investigation made by it, is not open to public inspection and must
39 not be disclosed to any person, except upon order of the authority. The
40 reports must not be admitted as evidence or used for any purpose in any
41 action for damages growing out of any matter mentioned in the accident
42 report or report of any such investigation.

1 **Sec. 29.** NRS 706.256 is hereby amended to read as follows:

2 706.256 The authority may, in the interest of safety or service, after
3 hearing:

4 1. Determine and order repairs of facilities of ~~{common and contract~~
5 ~~motor carriers;}~~ *taxicab motor carriers, limousine motor carriers and*
6 *carriers of household goods;* and

7 2. Order the use of safety appliances by such carriers in the interest of
8 the public and employees.

9 **Sec. 30.** NRS 706.266 is hereby amended to read as follows:

10 706.266 It is unlawful for any ~~{common, contract or private motor}~~
11 carrier *of household goods* to operate ~~{as a motor carrier of intrastate~~
12 ~~commerce}~~ within this state without having furnished the authority the
13 following:

14 1. Where a person does not hold a certificate of public convenience
15 and necessity or a permit to operate as a ~~{common or contract motor}~~
16 carrier *of household goods* in the State of Nevada, an affidavit certifying
17 that the person intends to operate as a private carrier.

18 2. Such other information as the authority may request.

19 **Sec. 31.** NRS 706.281 is hereby amended to read as follows:

20 706.281 ~~{1.}~~ In addition to any identifying device provided for in this
21 chapter, each motor vehicle ~~{within the provisions of NRS 706.011 to~~
22 ~~706.791, inclusive,}~~ *under the jurisdiction of the authority* must have the
23 name of the person or operator operating the vehicle prominently and
24 conspicuously displayed on both sides of the vehicle in such location, size
25 and style as may be specified by the authority. The display shall not be
26 deemed *to be* advertising for the purposes of NRS 706.285 unless
27 additional information about the operator is included.

28 ~~{2.— This section does not apply to motor vehicles:~~

29 ~~—(a) Weighing 10,000 pounds or less operated by private carriers and not~~
30 ~~operated in combination with any other vehicle.~~

31 ~~—(b) Operated by an employer for the transportation of his employees,~~
32 ~~whether or not the employees pay for the transportation.}~~

33 **Sec. 32.** NRS 706.282 is hereby amended to read as follows:

34 706.282 1. Each ~~{fully regulated}~~ *taxicab motor* carrier, *limousine*
35 *motor carrier and carrier of household goods* that advertises its services
36 shall provide to the person who broadcasts, publishes, displays or
37 distributes that advertisement the name, street address and telephone
38 number of the natural person who requested the advertisement on behalf of
39 the ~~{fully regulated carrier.}~~ *taxicab motor carrier, limousine motor*
40 *carrier or carrier of household goods.*

41 2. A person who broadcasts, publishes, displays or distributes the
42 advertisement of a ~~{fully regulated}~~ *taxicab motor* carrier, *limousine*
43 *motor carrier or carrier of household goods* shall, within 3 days after he

1 receives a written request from the authority, provide to the authority the
2 name, street address and telephone number of the natural person who
3 requested the advertisement if such information is readily available.

4 **Sec. 33.** NRS 706.285 is hereby amended to read as follows:

5 706.285 All advertising by ~~the~~

6 ~~—1.— A fully regulated carrier of intrastate commerce; and~~

7 ~~—2.— An operator of a tow car;~~ **a taxicab motor carrier, limousine motor**
8 **carrier or carrier of household goods** must include the number of the
9 certificate of public convenience and necessity or contract carrier's permit ,
10 **as appropriate**, issued to him by the authority.

11 **Sec. 34.** NRS 706.286 is hereby amended to read as follows:

12 706.286 1. ~~When~~ **If** a complaint is made against any ~~fully~~
13 ~~regulated carrier or operator of a tow car by any person;~~ **taxicab motor**
14 **carrier, limousine motor carrier or carrier of household goods** that:

15 (a) Any of the rates, tolls, charges or schedules, or any joint rate or rates
16 assessed by ~~any fully regulated carrier or by any operator of a tow car for~~
17 ~~towing services performed without the prior consent of the owner of the~~
18 ~~vehicle or the person authorized by the owner to operate the vehicle;~~ **the**
19 **carrier** are in any respect unreasonable or unjustly discriminatory;

20 (b) ~~Any of the provisions of NRS 706.445 to 706.453, inclusive, have~~
21 ~~been violated;~~

22 ~~—(c)—~~ Any regulation, measurement, practice or act directly relating to the
23 transportation of persons or property, including the handling and storage of
24 that property, **by the carrier** is, in any respect, unreasonable, insufficient or
25 unjustly discriminatory; or

26 ~~—(d)—~~ **(c)** Any service is inadequate,
27 the authority shall investigate the complaint. After receiving the complaint,
28 the authority shall give a copy of it to the carrier ~~or operator of a tow car~~
29 ~~against whom~~ **against which** the complaint ~~is~~ **was** made. Within a
30 reasonable time thereafter, the carrier ~~or operator of a tow car~~ shall
31 provide the authority with its written response to the complaint according to
32 the regulations of the authority.

33 2. If the authority determines that probable cause exists for the
34 complaint, it shall order a hearing thereof, give notice of the hearing and
35 conduct the hearing as it would any other hearing.

36 3. No order affecting a rate, toll, charge, schedule, regulation,
37 measurement, practice or act complained of may be entered without a
38 formal hearing unless the hearing is dispensed with as provided in NRS
39 706.2865.

40 **Sec. 35.** NRS 706.2865 is hereby amended to read as follows:

41 706.2865 1. When, in any matter pending before the authority, a
42 hearing is required by law, or is normally required by the authority, the

1 authority shall give notice of the pendency of the matter to all persons
2 entitled to notice of the hearing. The authority shall by regulation specify:

3 (a) The manner of giving notice; and

4 (b) Where not specified by law, the persons entitled to notice in each
5 type of proceeding.

6 2. Unless, within 10 days after the date of the notice of pendency, a
7 person entitled to notice of the hearing files with the authority a request that
8 the hearing be held, the authority may dispense with a hearing and act upon
9 the matter pending.

10 3. If a request for a hearing is filed, the authority shall give at least 10
11 days' notice of the hearing.

12 ~~[4.—If an operator of a tow car files an application for a certificate of~~
13 ~~public convenience and necessity or an application to transfer a certificate~~
14 ~~of public convenience and necessity with the authority, the authority shall~~
15 ~~give notice pursuant to the provisions of subsection 1.]~~

16 **Sec. 36.** NRS 706.291 is hereby amended to read as follows:

17 706.291 1. The ~~[authority shall require every fully regulated carrier~~
18 ~~and every operator of a tow car, within such time and in such amounts as~~
19 ~~the authority may designate, to file with the authority in a form required~~
20 ~~and approved by the authority a liability insurance policy, or a certificate of~~
21 ~~insurance in lieu thereof, or a bond of a surety company, or other surety, in~~
22 ~~such reasonable sum as the authority may deem necessary to protect~~
23 ~~adequately the interests of the public.~~

24 ~~—2.—The~~ department shall require every ~~[other]~~ common and contract
25 motor carrier, ~~[and every]~~ private **motor** carrier, **limousine motor carrier**
26 **and carrier of household goods**, within such time and in such amounts as
27 the department may designate, to file with the department in a form
28 required and approved by the department a liability insurance policy, or a
29 certificate of insurance in lieu thereof, a bond of a surety company, or other
30 surety, in such reasonable sum as the department may deem necessary to
31 protect adequately the interests of the public. In determining the amount of
32 liability insurance or other surety required of a carrier pursuant to this
33 subsection, the department shall create a separate category for vehicles with
34 a manufacturer's gross vehicle weight rating of less than 26,000 pounds and
35 impose a lesser requirement with respect to such vehicles.

36 ~~[3.]~~ 2. The liability insurance policy or certificate, policy or bond of a
37 surety company or other surety must bind the obligors thereunder to pay the
38 compensation for injuries to persons or for loss or damage to property
39 resulting from the negligent operation of the carrier.

40 ~~[4.—The authority and the]~~

41 3. **The** department may ~~[jointly]~~ prescribe by regulation the
42 ~~[respective]~~ amounts and forms required by ~~[subsections 1 and 2.]~~
43 **subsection**

1 **Sec. 37.** NRS 706.296 is hereby amended to read as follows:

2 706.296 Every common and contract motor carrier who engages in
3 transportation intrastate and the collection of the purchase price of goods
4 sold by the shipper to the consignee shall provide a bond, to be filed with
5 the ~~{authority,}~~ **department**, for the benefit of the shipper in an amount
6 which the ~~{authority}~~ **department** deems reasonably sufficient as an
7 aggregate but not to exceed \$1,000, to insure the shipper against any loss of
8 the ~~{moneys}~~ **money** so collected by the carrier through misappropriation,
9 negligence or other defalcations.

10 **Sec. 38.** NRS 706.303 is hereby amended to read as follows:

11 706.303 The ~~{authority}~~ **department** shall adopt regulations requiring
12 all operators of horse-drawn vehicles subject to ~~{its}~~ **the** regulation and
13 supervision **of the authority** to maintain a contract of insurance against
14 liability for injury to persons and damage to property for each such vehicle.
15 The amounts of coverage required by the regulations:

16 1. Must not exceed a total of:

17 (a) For bodily injury to or the death of one person in any one accident,
18 \$250,000;

19 (b) Subject to the limitations of paragraph (a), for bodily injury to or
20 death of two or more persons in any one accident, \$500,000; and

21 (c) For injury to or destruction of property in any one accident, \$50,000;
22 or

23 2. Must not exceed a combined single-limit for bodily injury to one or
24 more persons and for injury to or destruction of property in any one
25 accident, \$500,000.

26 **Sec. 39.** NRS 706.305 is hereby amended to read as follows:

27 706.305 The ~~{authority}~~ **department** shall adopt regulations requiring
28 all operators of taxicabs subject to ~~{its}~~ **the** regulation and supervision **of**
29 **the authority** to maintain a contract of insurance against liability for injury
30 to persons and damage to property for each taxicab. The amounts of
31 coverage required by the regulations:

32 1. Must not exceed a total of:

33 (a) For bodily injury to or the death of one person in any one accident,
34 \$250,000;

35 (b) Subject to the limitations of paragraph (a), for bodily injury to or
36 death of two or more persons in any one accident, \$500,000; and

37 (c) For injury to or destruction of property in any one accident, \$50,000;
38 or

39 2. Must not exceed a combined single-limit for bodily injury to one or
40 more persons and for injury to or destruction of property in any one
41 accident, \$500,000.

1 **Sec. 40.** NRS 706.311 is hereby amended to read as follows:

2 706.311 1. ~~{Except as otherwise provided in subsection 2, every~~
3 ~~common and contract}~~ **Each taxicab** motor carrier ~~{is required to}~~ ,
4 **limousine motor carrier and carrier of household goods shall** furnish
5 reasonably adequate service and facilities, and all transportation charges
6 made by any such carrier must be just and reasonable.

7 2. ~~{Every operator of a tow car is required to furnish reasonably~~
8 ~~adequate service and facilities, and all charges assessed for towing services~~
9 ~~performed without the prior consent of the owner of the vehicle or the~~
10 ~~person authorized by the owner to operate the vehicle must be just and~~
11 ~~reasonable.~~

12 ~~—3.—~~ Every unjust and unreasonable charge for service by any such
13 carrier ~~{or operator of a tow car}~~ is prohibited and shall be deemed to be
14 unlawful.

15 **Sec. 41.** NRS 706.321 is hereby amended to read as follows:

16 706.321 1. ~~{Except as otherwise provided in subsection 2, every~~
17 ~~common or contract}~~ **Each taxicab** motor carrier , **limousine motor carrier**
18 **and carrier of household goods** shall file with the authority:

19 (a) Within a time to be fixed by the authority, ~~{schedules and}~~ tariffs that
20 must:

21 (1) Be open to public inspection; and

22 (2) Include all rates, fares and charges which the carrier has
23 established and which are in force at the time of filing for any service
24 performed in connection therewith by any **taxicab motor** carrier ,
25 **limousine motor carrier or carrier of household goods** controlled and
26 operated by it.

27 (b) As a part of that schedule, all regulations of the **taxicab motor**
28 carrier , **limousine motor carrier or carrier of household goods** that in any
29 manner affect the rates or fares charged or to be charged for any service
30 and all regulations of the carrier that the carrier has adopted to comply with
31 the provisions of NRS 706.011 to 706.791, inclusive ~~{~~.

32 ~~—2.— Every operator of a tow car shall file with the authority:~~

33 ~~—(a) Within a time to be fixed by the authority, schedules and tariffs that~~
34 ~~must:~~

35 ~~—(1) Be open to public inspection; and~~

36 ~~—(2) Include all rates and charges for towing services performed~~
37 ~~without the prior consent of the owner of the vehicle or the person~~
38 ~~authorized by the owner to operate the vehicle which the operator has~~
39 ~~established and which are in force at the time of filing.~~

40 ~~—(b) As a part of that schedule, all regulations of the operator of the tow~~
41 ~~car which in any manner affect the rates charged or to be charged for~~
42 ~~towing services performed without the prior consent of the owner of the~~
43 ~~vehicle or the person authorized by the owner to operate the vehicle and all~~

1 ~~regulations of the operator of the tow car that the operator has adopted to~~
2 ~~comply with the provisions of NRS 706.011 to 706.791, inclusive.~~
3 ~~—3.] , and sections 2 to 6, inclusive, of this act.~~

4 2. No changes may be made ~~in any schedule, including schedules of~~
5 ~~joint rates, or~~ in the regulations affecting any rates or charges, except upon
6 30 days' notice to the authority . ~~[, and all those changes must be plainly~~
7 ~~indicated on any new schedules filed in lieu thereof 30 days before the time~~
8 ~~they are to take effect.]~~ The authority, upon application of any **taxicab**
9 **motor** carrier, **limousine motor carrier or carrier of household goods**,
10 may prescribe a shorter time within which changes may be made. The 30
11 days' notice is not applicable when the **taxicab motor** carrier , **limousine**
12 **motor carrier or carrier of household goods** gives written notice to the
13 authority 10 days before the effective date of its participation in a tariff
14 bureau's rates and tariffs, provided the rates and tariffs have been
15 previously filed with and approved by the authority.

16 ~~[4.]~~ 3. The authority may at any time, upon its own motion, investigate
17 any of the rates, fares, charges, regulations, practices and services filed
18 pursuant to this section and, after hearing, by order, make such changes as
19 may be just and reasonable.

20 ~~[5.]~~ 4. The authority may dispense with the hearing on any change
21 requested in rates, fares, charges, regulations, practices or service filed
22 pursuant to this section.

23 ~~[6.]~~ 5. All rates, fares, charges, classifications and joint rates,
24 regulations, practices and services fixed by the authority are in force, and
25 are prima facie lawful, from the date of the order until changed or modified
26 by the authority, or pursuant to NRS 706.2883.

27 ~~[7.—All regulations, practices and service prescribed by the authority~~
28 ~~must be enforced and are prima facie reasonable unless suspended or found~~
29 ~~otherwise in an action brought for the purpose, or until changed or~~
30 ~~modified by the authority itself upon satisfactory showing made.]~~

31 **Sec. 42.** NRS 706.323 is hereby amended to read as follows:

32 706.323 1. Except as otherwise provided in subsection 2, the
33 authority may not investigate, suspend, revise or revoke any rate that is
34 subject to the approval of the authority pursuant to NRS 706.321 and
35 proposed by a ~~[common motor carrier or contract]~~ **taxicab** motor carrier ,
36 **limousine motor carrier or carrier of household goods** because the rate is
37 too high or too low and therefore unreasonable if:

38 (a) The **taxicab** motor carrier , **limousine motor carrier or carrier of**
39 **household goods** notifies the authority that it wishes to have the rate
40 reviewed by the authority pursuant to this subsection; and

41 (b) The rate resulting from all increases or decreases within 1 year is not
42 more than 10 percent above or 10 percent below the rate in effect 1 year
43 before the effective date of the proposed rate.

2. This section does not limit the authority of the transportation services authority to investigate, suspend, revise or revoke a proposed rate if the rate would violate the provisions of NRS 706.151.

Sec. 43. NRS 706.326 is hereby amended to read as follows:

706.326 1. Whenever there is filed with the authority pursuant to NRS 706.321 any schedule or tariff stating a new or revised individual or joint rate, fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge, or any schedule or tariff resulting in a discontinuance, modification or restriction of service, the authority may commence an investigation or, upon reasonable notice, hold a hearing concerning the propriety of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice.

2. Pending the investigation or hearing and the decision thereon, the authority, upon delivering to the ~~{common or contract}~~ *taxicab* motor carrier, *limousine motor carrier or carrier of household goods* affected thereby a statement in writing of its reasons for the suspension, may suspend the operation of the schedule or tariff and defer the use of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice, but not for a longer period than 150 days beyond the ~~{time}~~ *date* when the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.

3. After full investigation or hearing, whether completed before or after the date upon which the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect, the authority may make such order in reference to the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.

4. The authority shall determine whether it is necessary to hold a hearing to consider the proposed change in any schedule stating a new or revised individual or joint rate, fare or charge. In making that determination, the authority shall consider all timely written protests, any presentation the staff of the authority may desire to present, the application and any other matters deemed relevant by the authority.

Sec. 44. NRS 706.341 is hereby amended to read as follows:

706.341 ~~{1. — An operator of a tow car shall, in the manner prescribed by the authority, notify the authority if the operator discontinues providing towing services from an operating terminal or establishes a new operating terminal from which a tow car provides towing services within 30 days~~

1 ~~after the operator discontinues providing towing services from an operating~~
2 ~~terminal or commences operations at the new terminal.~~

3 ~~—2.— A common motor carrier, other than an operator of a tow car,] A~~
4 ***taxicab motor carrier, limousine motor carrier or carrier of household***
5 ***goods*** authorized to operate by NRS 706.011 to 706.791, inclusive, ***and***
6 ***sections 2 to 6, inclusive, of this act***, shall not discontinue any service
7 established pursuant to the provisions of NRS 706.011 to 706.791,
8 inclusive, ***and sections 2 to 6, inclusive, of this act***, and all other laws
9 relating thereto and made applicable thereto by NRS 706.011 to 706.791,
10 inclusive, ***and sections 2 to 6, inclusive, of this act***, without an order of the
11 authority granted only after public notice or hearing in the event of protest.

12 **Sec. 45.** NRS 706.346 is hereby amended to read as follows:

13 706.346 1. ~~[Except as otherwise provided in subsection 3, a]~~ A copy,
14 or so much of the schedule or tariff as the authority determines necessary
15 for the use of the public, must be printed in plain type and posted ~~[in every~~
16 ~~office of a common]~~ ***by each taxicab*** motor carrier ~~[where payments are~~
17 ~~made by customers or users,]~~ ***limousine motor carrier and carrier of***
18 ***household goods in such places as the authority may require which are***
19 open to the public ~~[, in such form and place]~~ ***so*** as to be readily accessible
20 to the public and conveniently inspected.

21 2. ~~[Except as otherwise provided in subsection 3, when]~~ ***If*** a schedule
22 or tariff of joint rates or charges is or may be in force between two or more
23 ~~[common motor carriers or between any such carrier and a public utility,]~~
24 ***carriers of household goods***, the schedule or tariff must be printed and
25 posted in the manner prescribed in subsection 1.

26 ~~[3.— Only the rates for towing services performed without the prior~~
27 ~~consent of the owner of the vehicle or the person authorized by the owner~~
28 ~~to operate the vehicle must be printed and posted by an operator of a tow~~
29 ~~car pursuant to subsections 1 and 2.]~~

30 **Sec. 46.** NRS 706.351 is hereby amended to read as follows:

31 706.351 1. It is unlawful for:

32 (a) A ~~[fully regulated]~~ ***taxicab motor*** carrier ***, limousine motor carrier***
33 ***or carrier of household goods*** to furnish any pass, frank, free or reduced
34 rates for transportation to any state, city, district, county or municipal
35 officer of this state or to any person other than those specifically
36 enumerated in this section.

37 (b) Any person other than those specifically enumerated in this section
38 to receive any pass, frank, free or reduced rates for transportation.

39 2. This section does not prevent the carriage, storage or hauling free or
40 at reduced rates of passengers or property for charitable organizations or
41 purposes for the United States, the State of Nevada or any political
42 subdivision

thereof.

1 3. This chapter does not prohibit a ~~{fully-regulated-common}~~ **taxicab**
2 **motor carrier , limousine motor carrier or carrier of household goods**
3 from giving free or reduced rates for transportation of persons to:

4 (a) Its own officers, commission agents or employees, or members of
5 any profession licensed under Title 54 of NRS retained by it, and members
6 of their families.

7 (b) Inmates of hospitals or charitable institutions and persons over 60
8 years of age.

9 (c) Persons who are physically handicapped or mentally handicapped
10 and who present a written statement from a physician to that effect.

11 (d) Persons injured in accidents or wrecks and physicians and nurses
12 attending such persons.

13 (e) Persons providing relief in cases of common disaster.

14 (f) Attendants of livestock or other property requiring the care of an
15 attendant, who must be given return passage to the place of shipment, if
16 there is no discrimination among shippers of a similar class.

17 (g) Officers, agents, employees or members of any profession licensed
18 under Title 54 of NRS, together with members of their families, who are
19 employed by or affiliated with ~~{other}~~ common carriers, if there is an
20 interchange of free or reduced rates for transportation.

21 (h) Indigent, destitute or homeless persons when under the care or
22 responsibility of charitable societies, institutions or hospitals, together with
23 the necessary agents employed in such transportation.

24 (i) Students of institutions of learning.

25 (j) Groups of persons participating in a tour for a purpose other than
26 transportation.

27 4. This section does not prohibit ~~{common-motor-carriers}~~ **carriers of**
28 **household goods** from giving free or reduced rates for the transportation of
29 property of:

30 (a) Their officers, commission agents or employees, or members of any
31 profession licensed under Title 54 of NRS retained by them, or pensioned
32 or disabled former employees, together with that of their dependents.

33 (b) Witnesses attending any legal investigations in which such carriers
34 are interested.

35 (c) Persons providing relief in cases of common disaster.

36 (d) Charitable organizations providing food and items for personal
37 hygiene to needy persons or to other charitable organizations within this
38 state.

39 5. This section does not prohibit the authority from establishing
40 reduced rates, fares or charges for specified ~~{routes-or}~~ schedules of any
41 ~~{common}~~ **taxicab** motor carrier , **limousine motor carrier or carrier of**
42 **household goods** providing transit service if the reduced rates, fares or
43 charges are determined by the authority to be in the public interest.

1 6. ~~Only fully regulated common carriers may provide free or reduced~~
2 ~~rates for the transportation of passengers or household goods, pursuant to~~
3 ~~the provisions of this section.~~

4 ~~7.]~~ As used in this section, "employees" includes:

5 (a) Furloughed, pensioned and superannuated employees.

6 (b) Persons who have become disabled or infirm in the service of ~~such~~
7 ~~carriers.]~~ *a taxicab motor carrier, limousine motor carrier or carrier of*
8 *household goods.*

9 (c) Persons who are traveling to enter the service of such a carrier.

10 **Sec. 47.** NRS 706.356 is hereby amended to read as follows:

11 706.356 It is unlawful for any ~~common or contract~~ *taxicab* motor
12 carrier *, limousine motor carrier or carrier of household goods* to make a
13 charge for the carriage of passengers or property within the territory
14 authorized by its certificate of public convenience and necessity or permit
15 and *then* give free or reduced rates beyond ~~such~~ *those* limits.

16 **Sec. 48.** NRS 706.361 is hereby amended to read as follows:

17 706.361 1. A person with a disability is entitled to the full and equal
18 enjoyment of the *services and* facilities of any ~~common motor carrier of~~
19 ~~passengers, contract motor carrier of passengers or other entity providing a~~
20 ~~means of public conveyance and transportation~~ *taxicab motor carrier,*
21 *limousine motor carrier or carrier of household goods* operating within
22 this state.

23 2. ~~A common motor carrier of passengers, a contract motor carrier of~~
24 ~~passengers and other entities providing means of public conveyance and~~
25 ~~transportation~~ *Each taxicab motor carrier, limousine motor carrier and*
26 *carrier of household goods* shall designate a person responsible for
27 ensuring that the carrier complies with the applicable provisions of the
28 Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 to 12213,
29 inclusive, and 47 U.S.C. §§ 225 and 611, and the regulations adopted
30 pursuant to that act.

31 3. The person designated pursuant to subsection 2 shall conduct
32 training sessions for the employees of the carrier ~~. for entity.]~~ Each
33 employee must be provided at least 3 hours of training during one or more
34 training sessions. During the training sessions, the designee shall:

35 (a) Describe the carrier's plan for compliance with the Americans with
36 Disabilities Act of 1990 and the regulations adopted pursuant to that act;

37 (b) Explain the obligations of the employees to assist a person with a
38 disability to store a mobility device;

39 (c) Explain the illegality of charging an additional fee or a higher fare to
40 a person with a disability; and

41 (d) Ensure that each employee is trained in accordance with the
42 requirements of 49 C.F.R. §

37.173.

1 4. It is unlawful for any person to deny any of the privileges granted by
2 subsection 1.

3 5. It is unlawful for any ~~{common motor carrier, contract motor carrier~~
4 ~~or other entity providing a means of public conveyance or transportation}~~
5 **taxicab motor carrier, limousine motor carrier or carrier of household**
6 **goods** operating within this state, to:

7 (a) Deny the equal enjoyment of its services and facilities to a person
8 with a disability by the arbitrary, capricious or unreasonable interference,
9 direct or indirect, with the use of aids and appliances used by a person with
10 a disability;

11 (b) Fail to designate a person pursuant to subsection 2; or

12 (c) Fail to conduct the training sessions in the manner described in
13 subsection 3.

14 6. As used in this section, "disability" has the meaning ascribed to it in
15 49 C.F.R. § 37.3.

16 **Sec. 49.** NRS 706.366 is hereby amended to read as follows:

17 706.366 1. It is unlawful for a ~~{common motor carrier of passengers~~
18 ~~or other means of public conveyance or transportation}~~ **taxicab motor**
19 **carrier, limousine motor carrier or carrier of household goods** operating
20 in this state to:

21 (a) Refuse service to a visually, aurally or physically handicapped
22 person because he is accompanied by a guide dog, hearing dog, helping
23 dog or other service animal;

24 (b) Refuse service to a person who is training a guide dog, hearing dog,
25 helping dog or other service animal because he is accompanied by such an
26 animal; or

27 (c) Charge an additional fee for such an animal.

28 2. This section does not relieve a visually, aurally or physically
29 handicapped person or a person who trains a guide dog, hearing dog,
30 helping dog or other service animal from liability for damage which may be
31 caused by his animal.

32 3. Visually, aurally or physically handicapped persons accompanied by
33 guide dogs, hearing dogs, helping dogs or other service animals are subject
34 to the same conditions and limitations that apply to persons who are not so
35 handicapped and accompanied.

36 4. For the purposes of this section, the terms "guide dog," "hearing
37 dog," "helping dog" and "service animal" have the meanings ascribed to
38 them respectively in NRS 426.075, 426.081, 426.083 and 426.097.

39 **Sec. 50.** NRS 706.371 is hereby amended to read as follows:

40 706.371 The authority may regulate and fix the maximum number of
41 contracts and the minimum carrying charges of all intrastate contract motor
42 ~~{carriers,}~~ **carriers of household goods** and conduct hearings, make and
43 enter necessary orders and enforce the same with respect thereto in the

1 same manner and form as is now or may hereafter be provided by law for
2 the regulation of the rates, charges and services of ~~common motor~~
3 ~~carriers.~~ **carriers of household goods.**

4 **Sec. 51.** NRS 706.386 is hereby amended to read as follows:

5 706.386 It is unlawful, except as otherwise provided in NRS ~~[373.117,~~
6 ~~706.446, 706.453 and]~~ **706.421 and** 706.745, for ~~[any fully regulated~~
7 ~~common motor carrier]~~ **a person** to operate as a ~~[carrier of intrastate~~
8 ~~commerce and any operator of a tow car to perform towing services within~~
9 ~~this state]~~ **taxicab motor carrier, limousine motor carrier or carrier of**
10 **household goods** without first obtaining a certificate of public convenience
11 and necessity from the authority.

12 **Sec. 52.** NRS 706.391 is hereby amended to read as follows:

13 706.391 1. Upon the filing of an application for a certificate of public
14 convenience and necessity to operate as a **taxicab** motor carrier ~~[other than~~
15 ~~an operator of a tow car,]~~ **, limousine motor carrier or carrier of**
16 **household goods,** the authority shall fix a time and place for hearing
17 thereon.

18 2. The authority shall issue such a certificate if it finds that:

19 (a) The applicant is fit, willing and able to perform the services of a
20 ~~common motor carrier;~~ **taxicab motor carrier, limousine motor carrier**
21 **or carrier of household goods;**

22 (b) The proposed operation will be consistent with the legislative
23 policies set forth in NRS 706.151;

24 (c) The granting of the certificate will not unreasonably and adversely
25 affect other carriers operating in the territory for which the certificate is
26 sought; and

27 (d) The proposed service will benefit the ~~[traveling and shipping public~~
28 ~~and the motor carrier business in this state.]~~ **public.**

29 3. The authority shall not find that the potential creation of competition
30 in a territory which may be caused by the granting of a certificate, by itself,
31 will unreasonably and adversely affect other carriers operating in the
32 territory for the purposes of paragraph (c) of subsection 2.

33 4. An applicant for such a certificate has the burden of proving to the
34 authority that the proposed operation will meet the requirements of
35 subsection 2.

36 5. The authority may issue a certificate of public convenience and
37 necessity to operate as a ~~common motor carrier;~~ **taxicab motor carrier,**
38 **limousine motor carrier or carrier of household goods,** or issue it for:

39 (a) The exercise of the privilege sought.

40 (b) The partial exercise of the privilege sought.

41 6. The authority may attach to the certificate such terms and conditions

42 as, in its judgment, the public interest may require.

1 7. The authority may dispense with the hearing on the application if,
2 upon the expiration of the time fixed in the notice thereof, no petition to
3 intervene has been filed on behalf of any person who has filed a protest
4 against the granting of the certificate.

5 **Sec. 53.** NRS 706.396 is hereby amended to read as follows:

6 706.396 Any person who, after *a* hearing, has been denied a certificate
7 of public convenience and necessity to operate as a *taxicab motor* carrier
8 ~~{must not be permitted again to}~~, *limousine motor carrier or carrier of*
9 *household goods may not* file a similar application with the authority
10 covering the same type of service ~~{and over the same route or routes}~~ or in
11 the same territory for which the certificate of public convenience and
12 necessity was denied except after the expiration of 180 days after the date
13 the certificate of public convenience and necessity was denied.

14 **Sec. 54.** NRS 706.398 is hereby amended to read as follows:

15 706.398 The authority:

16 1. Shall revoke or suspend, pursuant to the provisions of this chapter,
17 the certificate of public convenience and necessity of a ~~{common}~~ *taxicab*
18 *motor carrier*, *limousine motor carrier or carrier of household goods*
19 which has failed to:

20 (a) File the annual report required by NRS 706.167 within 60 days after
21 the report is due; or

22 (b) Operate as a *taxicab motor* carrier ~~{of intrastate commerce}~~,
23 *limousine motor carrier or carrier of household goods* in this state under
24 the terms and conditions of its certificate,
25 unless the *taxicab motor* carrier, *limousine motor carrier or carrier of*
26 *household goods* has obtained the prior permission of the authority.

27 2. May revoke or suspend, pursuant to the provisions of NRS
28 706.2885, the certificate of public convenience and necessity of a
29 ~~{common}~~ *taxicab* motor carrier, *limousine motor carrier or carrier of*
30 *household goods* which has failed to comply with any provision of this
31 chapter or any regulation of the authority adopted pursuant thereto.

32 **Sec. 55.** NRS 706.421 is hereby amended to read as follows:

33 706.421 It is unlawful for any contract motor carrier *of household*
34 *goods* to act as such within this state in intrastate commerce without first
35 having obtained a permit therefor.

36 **Sec. 56.** NRS 706.426 is hereby amended to read as follows:

37 706.426 An application for a permit for a new operation as a contract
38 motor carrier ~~{shall}~~ *of household goods must* be:

39 1. Made to the authority in writing.

40 2. In such form and be accompanied by such information as the
41 authority may require.

1 **Sec. 57.** NRS 706.431 is hereby amended to read as follows:

2 706.431 1. A permit may be issued to any applicant therefor,
3 authorizing in whole or in part the operation covered by the application, if
4 it appears from the application or from any hearing held thereon that:

5 (a) The applicant is fit, willing and able properly to perform the service
6 of a contract motor carrier *of household goods* and to conform to all
7 provisions of NRS 706.011 to 706.791, inclusive, *and sections 2 to 6,*
8 *inclusive, of this act,* and the regulations adopted thereunder; and

9 (b) The proposed operation will be consistent with the public interest
10 and will not operate to defeat the legislative policy set forth in NRS
11 706.151.

12 2. An application must be denied if the provisions of subsection 1 are
13 not met.

14 3. The authority shall revoke or suspend pursuant to the provisions of
15 this chapter the permit of a contract motor carrier *of household goods* who
16 has failed to file the annual report required in NRS 706.167 within 60 days
17 after the report is due.

18 4. The authority shall adopt regulations providing for a procedure by
19 which any contract entered into by a contract motor carrier *of household*
20 *goods* after he has been issued a permit pursuant to this section may be
21 approved by the authority without giving notice required by statute or by a
22 regulation of the authority.

23 **Sec. 58.** NRS 706.461 is hereby amended to read as follows:

24 706.461 When:

25 1. A complaint has been filed with the authority alleging that any
26 vehicle is being operated without a certificate of public convenience and
27 necessity ~~[or contract carrier's permit]~~ as required by NRS 706.011 to
28 706.791, inclusive ~~[;]~~ *, and sections 2 to 6, inclusive, of this act;* or

29 2. The authority has reason to believe that any:

30 (a) Person is advertising to provide ~~[-]~~

31 ~~—(1) The] the~~ services of a ~~[fully regulated carrier in intrastate~~
32 ~~commerce; or~~

33 ~~—(2) Towing services,]~~ *taxicab motor carrier, limousine motor carrier*
34 *or carrier of household goods* without including the number of his
35 certificate of public convenience and necessity or permit in each
36 advertisement; or

37 (b) Provision of NRS 706.011 to 706.791, inclusive, *or sections 2 to 6,*
38 *inclusive, of this act,* is being violated,

39 the authority shall investigate the operations or advertising and may, after a
40 hearing, order the owner or operator of the vehicle or the person

41 advertising to cease and desist from any operation or advertising in

42 violation of NRS 706.011 to 706.791, inclusive ~~[;]~~ *, and sections 2 to 6,*

43 *inclusive, of this act.* The authority shall enforce compliance with the order

1 pursuant to the powers vested in the authority by NRS 706.011 to 706.791,
2 inclusive, *and sections 2 to 6, inclusive, of this act*, or by other law.

3 **Sec. 59.** NRS 706.476 is hereby amended to read as follows:

4 706.476 1. A vehicle used as a taxicab, limousine or other passenger
5 vehicle in passenger service *subject to the jurisdiction of the authority*
6 must be impounded by the authority if a certificate of public convenience
7 and necessity has not been issued authorizing its operation. A hearing must
8 be held by the authority no later than the conclusion of the second normal
9 business day after impoundment, weekends and holidays excluded. As soon
10 as practicable after impoundment, the authority shall notify the registered
11 owner of the vehicle:

12 (a) That the registered owner of the vehicle must post a bond in the
13 amount of \$20,000 to ensure his presence at all proceedings held pursuant
14 to this section;

15 (b) Of the time set for the hearing; and

16 (c) Of his right to be represented by counsel during all phases of the
17 proceedings.

18 2. The authority shall hold the vehicle until the registered owner of the
19 vehicle appears and:

20 (a) Proves that he is the registered owner of the vehicle;

21 (b) Proves that he holds a valid certificate of public convenience and
22 necessity;

23 (c) Proves that the vehicle meets all required standards of the authority;
24 and

25 (d) Posts a bond in the amount of \$20,000 with the ~~administrator.~~
26 *authority.*

27 The authority shall return the vehicle to its registered owner when the
28 owner meets the requirements of this subsection and pays all costs of
29 impoundment.

30 3. If the registered owner is unable to meet the requirements of
31 paragraph (b) or (c) of subsection 2, the authority may assess an
32 administrative fine against the registered owner for each such violation in
33 the amount of \$5,000. The maximum amount of the administrative fine that
34 may be assessed against a registered owner for a single impoundment of his
35 vehicle pursuant to this section is \$10,000. The authority shall return the
36 vehicle after any administrative fine imposed pursuant to this subsection
37 and all costs of impoundment have been paid.

38 **Sec. 60.** NRS 706.491 is hereby amended to read as follows:

39 706.491 Every person operating as a common, contract or private
40 motor carrier, *taxicab motor carrier, limousine motor carrier or carrier*
41 *of household goods* must, before commencing operation in this state in any
42 calendar year, secure from the department a license and make payments

therefor as provided in NRS 706.011 to 706.861, inclusive, *and sections 2 to 6, inclusive, of this act*, as applicable.

Sec. 61. NRS 706.6411 is hereby amended to read as follows:

706.6411 1. ~~[All motor carriers, other than operators of tow cars, regulated pursuant to NRS 706.011 to 706.791, inclusive, to whom the certificates, permits and licenses provided by NRS 706.011 to 706.791, inclusive, have]~~ *A taxicab motor carrier, limousine motor carrier or carrier of household goods to which a certificate of public convenience and necessity or permit has been issued by the authority pursuant to NRS 706.011 to 706.791, inclusive, and sections 2 to 6, inclusive, of this act*, may transfer ~~[them]~~ *the certificate or permit* to another carrier ~~[, other than an operator of a tow car,]~~ qualified pursuant to NRS 706.011 to 706.791, inclusive, ~~[but]~~ *and sections 2 to 6, inclusive, of this act, except that* no such transfer is valid for any purpose until a joint application to make the transfer has been made to the authority by the transferor and the transferee, and the authority has authorized the substitution of the transferee for the transferor. No transfer of stock of a corporate *taxicab motor carrier, limousine motor carrier or carrier of household goods* subject to the jurisdiction of the authority is valid without the prior approval of the authority if the effect of the transfer would be to change the corporate control of the carrier or if a transfer of 15 percent or more of the common stock of the carrier is proposed.

2. Except as otherwise provided in subsection 3, the authority shall fix a time and place for a hearing to be held unless the application is made to transfer the certificate from a natural person or partners to a corporation whose controlling stockholders will be substantially the same person or partners, and may hold a hearing to consider such an application.

3. The authority may also dispense with the hearing on the joint application to transfer if, upon the expiration of the time fixed in the notice thereof, no protest against the transfer of the certificate or permit has been filed by or in behalf of any interested person.

4. In determining whether or not the transfer of a certificate of public convenience and necessity or a permit to act as a contract motor carrier should be authorized, the authority shall consider:

(a) The service which has been performed by the transferor and that which may be performed by the transferee.

(b) Other authorized facilities for transportation in the territory for which the transfer is sought.

(c) Whether or not the transferee is fit, willing and able to perform the services of a ~~[common or contract]~~ *taxicab motor carrier, limousine motor carrier or carrier of household goods* by vehicle and whether or not the proposed operation would be consistent with the legislative policy set forth

in

NRS

706.151.

1 5. Upon a transfer made pursuant to this section, the authority may
2 make such amendments, restrictions or modifications in a certificate or
3 permit as the public interest may require.

4 6. No transfer is valid beyond the life of the certificate ~~[-, permit or~~
5 ~~license]~~ **or permit so** transferred.

6 **Sec. 62.** NRS 706.736 is hereby amended to read as follows:

7 706.736 1. Except as otherwise provided in subsection 2, the
8 provisions of NRS 706.011 to 706.791, inclusive, **and sections 2 to 6,**
9 **inclusive, of this act** do not apply to:

10 (a) The transportation by a contractor licensed by the state contractors'
11 board of his own equipment in his own vehicles from job to job.

12 (b) Any person engaged in transporting his own personal effects in his
13 own vehicle, but the provisions of this subsection do not apply to any
14 person engaged in transportation by vehicle of property sold or to be sold,
15 or used by him in the furtherance of any commercial enterprise other than
16 as provided in paragraph (d), or to the carriage of any property for
17 compensation.

18 (c) Special mobile equipment.

19 (d) The vehicle of any person, when that vehicle is being used in the
20 production of motion pictures, including films to be shown in theaters and
21 on television, industrial training and educational films, commercials for
22 television and video discs and tapes.

23 (e) A private motor carrier of property which is used for any convention,
24 show, exhibition, sporting event, carnival, circus or organized recreational
25 activity.

26 (f) A private motor carrier of property which is used to attend livestock
27 shows and sales.

28 2. Unless exempted by a specific state statute or a specific federal
29 statute, regulation or rule, any person referred to in subsection 1 is subject
30 to:

31 (a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 **or**
32 **subsection 2 of NRS 706.172, as appropriate,** and NRS 706.235 to
33 706.256, inclusive, 706.281, 706.457 and 706.458.

34 (b) All rules and regulations adopted by reference pursuant to
35 ~~[-paragraph (b) of subsection 1 of NRS 706.171]~~ **NRS 706.011 to 706.791,**
36 **inclusive, and sections 2 to 6, inclusive, of this act, by the department or**
37 **authority, as appropriate,** concerning the safety of drivers and vehicles.

38 (c) All standards adopted by regulation pursuant to NRS 706.173.

39 3. ~~[-The provisions of NRS 706.311 to 706.453, inclusive, 706.471,~~
40 ~~706.473, 706.475 and 706.6411 which authorize the authority to issue:~~

41 ~~—(a) Except as otherwise provided in paragraph (b), certificates of public~~
42 ~~convenience and necessity and contract carriers' permits and to regulate~~
43 ~~rates, routes and services apply only to fully regulated carriers.~~

~~—(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.~~

~~—4.]~~ Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to his actual operation as prescribed in this chapter, computed from the date when that operation began.

Sec. 63. NRS 706.745 is hereby amended to read as follows:

706.745 1. The provisions of NRS 706.386 ~~[and 706.421]~~ do not apply to ambulances or hearses.

~~2. [A common motor carrier who enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transit consisting of regular routes and fixed schedules. Under such an agreement, the public entity shall establish the routes and fares and provide for any required safety inspections.~~

~~—3.]~~ A nonprofit carrier of elderly or physically or mentally handicapped persons is not required to obtain a certificate of public convenience and necessity to operate as a ~~[common]~~ **taxicab** motor carrier **or limousine motor carrier** of such passengers only, but such a carrier is not exempt from inspection by the authority to determine whether its vehicles and their operation are safe.

~~[4.]~~ **3.** An incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transportation ~~[.]~~ **which uses taxicabs, limousines or other vehicles for passenger service that would otherwise be subject to the jurisdiction of the authority.**

Sec. 64. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, **and sections 2 to 6, inclusive, of this act** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, **and sections 2 to 6, inclusive, of this act** or by the authority or the department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[.]~~, **and sections 2 to 6, inclusive, of this act;**

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~§~~, *and sections 2 to 6, inclusive, of this act;*

(d) Fails to obey any order, decision or regulation of the authority or the department;

(e) Procures, aids or abets any person in his failure to obey such an order, decision or regulation of the authority or the department;

(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation *services* as a ~~{common or contract}~~ *taxicab motor carrier, limousine motor carrier or carrier of household goods* in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~§~~, *and sections 2 to 6, inclusive, of this act;*

(g) Advertises as providing ~~§~~:
~~—(1) The~~ *the* services of a ~~{fully regulated carrier; or~~
~~—(2) Towing services,}~~ *taxicab motor carrier, limousine motor carrier or carrier of household goods*, without including the number of his certificate of public convenience and necessity or contract carrier's permit, *as appropriate*, in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been canceled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the authority or department any certificate, permit, license or identifying device which has been suspended, canceled or revoked pursuant to the provisions of this chapter, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. A person convicted of a misdemeanor for a violation of the provisions of NRS 706.386 or 706.421 shall be punished:

(a) For the first offense by a fine of not less than \$500 nor more than \$1,000;

(b) For a second offense within 12 consecutive months and each subsequent offense by a fine of \$1,000; or

(c) For any offense, by imprisonment in the county jail for not more than 6 months, or by both the prescribed fine and imprisonment.

3. Any person who operates or permits the operation of a vehicle in passenger service *as a taxicab motor carrier or limousine motor carrier* without a certificate of public convenience and necessity issued pursuant to NRS 706.391 is guilty of a gross misdemeanor. If a law enforcement officer witnesses a violation of this subsection, he may cause the vehicle to be towed immediately from the scene.

4. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

5. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 65. NRS 706.761 is hereby amended to read as follows:

706.761 1. Any agent or person in charge of the books, accounts, records, minutes or papers of any private, common or contract motor carrier ~~for broker of any of these services~~, *taxicab motor carrier, limousine motor carrier or carrier of household goods* who refuses or fails for a period of 30 days to furnish the authority or department, *as appropriate*, with any report required by either or who fails or refuses to permit any person authorized by the authority or department, *as appropriate*, to inspect such books, accounts, records, minutes or papers on behalf of the authority or department, *as appropriate*, is liable to a penalty in a sum of not less than \$300 nor more than \$500. The penalty may be recovered in a civil action upon the complaint of the authority or department, *as appropriate*, in any court of competent jurisdiction.

2. Each day's refusal or failure is a separate offense, and is subject to the penalty prescribed in this section.

Sec. 66. NRS 706.766 is hereby amended to read as follows:

706.766 1. It is unlawful for any ~~fully regulated carrier or operator of a tow car~~ *taxicab motor carrier, limousine motor carrier or carrier of household goods* to charge, demand, collect or receive a greater or less compensation for any service performed by it within this state or for any service in connection therewith than is specified in its fare, rates, joint rates, charges or rules and regulations on file with the authority, or to demand, collect or receive any fare, rate or charge not specified. The rates, tolls and charges named therein are the lawful rates, tolls and charges until they are changed as provided in this chapter.

2. It is unlawful for any ~~fully regulated carrier or operator of a tow car~~ *taxicab motor carrier, limousine motor carrier or carrier of household goods* to grant any rebate, concession or special privilege to any person which, directly or indirectly, has or may have the effect of changing the rates, tolls, charges or payments.

1 3. Any violation of the provisions of this section subjects the violator
2 to the penalty prescribed in NRS 706.761.

3 **Sec. 67.** NRS 706.771 is hereby amended to read as follows:

4 706.771 1. Any person or any agent or employee thereof, who
5 violates any provision of this chapter, any lawful regulation of the authority
6 or any lawful tariff on file with the authority or who fails, neglects or
7 refuses to obey any lawful order of the authority or any court order for
8 whose violation a civil penalty is not otherwise prescribed is liable to a
9 penalty of not more than \$10,000 for any violation. The penalty may be
10 recovered in a civil action upon the complaint of the authority in any court
11 of competent jurisdiction.

12 2. If the authority does not bring an action to recover the penalty
13 prescribed by subsection 1, the authority may impose an administrative fine
14 of not more than \$10,000 for any violation of a provision of this chapter or
15 any rule, regulation or order adopted or issued by the authority ~~for~~
16 ~~department~~ pursuant to the provisions of this chapter. A fine imposed by
17 the authority may be recovered by the authority only after notice is given
18 and a hearing is held pursuant to the provisions of chapter 233B of NRS.

19 3. All administrative fines imposed and collected by the authority
20 pursuant to subsection 2 are payable to the state treasurer and must be
21 credited to a separate account to be used by the authority to enforce the
22 provisions of this chapter.

23 4. A penalty or fine recovered pursuant to this section is not a cost of
24 service for purposes of rate making.

25 **Sec. 68.** NRS 362.120 is hereby amended to read as follows:

26 362.120 1. The department shall, from the statement and from all
27 obtainable data, evidence and reports, compute in dollars and cents the
28 gross yield and net proceeds of the period covered by the statement.

29 2. The gross yield must include the value of any mineral extracted
30 which was:

31 (a) Sold;

32 (b) Exchanged for any thing or service;

33 (c) Removed from the state in a form ready for use or sale; or

34 (d) Used in a manufacturing process or in providing a service,
35 during the period covered by the statement.

36 3. The net proceeds are ascertained and determined by subtracting
37 from the gross yield the following deductions for costs incurred during that
38 period, and none other:

39 (a) The actual cost of extracting the mineral.

40 (b) The actual cost of transporting the mineral to the place or places of
41 reduction, refining and sale.

42 (c) The actual cost of reduction, refining and sale.

1 (d) The actual cost of marketing and delivering the mineral and the
2 conversion of the mineral into money.

3 (e) The actual cost of maintenance and repairs of:

4 (1) All machinery, equipment, apparatus and facilities used in the
5 mine.

6 (2) All milling, refining, smelting and reduction works, plants and
7 facilities.

8 (3) All facilities and equipment for transportation except those that
9 are under the jurisdiction of the public utilities commission of Nevada . ~~for~~
10 ~~the transportation services authority.~~

11 (f) The actual cost of fire insurance on the machinery, equipment,
12 apparatus, works, plants and facilities ~~mentioned~~ **set forth** in paragraph
13 (e).

14 (g) Depreciation of the original capitalized cost of the machinery,
15 equipment, apparatus, works, plants and facilities ~~mentioned~~ **set forth** in
16 paragraph (e). The annual depreciation charge consists of amortization of
17 the original cost in a manner prescribed by regulation of the Nevada tax
18 commission. The probable life of the property represented by the original
19 cost must be considered in computing the depreciation charge.

20 (h) All money expended for premiums for industrial insurance, and the
21 actual cost of hospital and medical attention and accident benefits and
22 group insurance for all employees.

23 (i) All money paid as contributions or payments under the
24 unemployment compensation law of the State of Nevada, as contained in
25 chapter 612 of NRS, all money paid as contributions under the Social
26 Security Act of the Federal Government, and all money paid to either the
27 State of Nevada or the Federal Government under any amendment to either
28 or both of the statutes ~~mentioned~~ **set forth** in this paragraph.

29 (j) The actual cost of developmental work in or about the mine or upon a
30 group of mines when operated as a unit.

31 (k) All money paid as royalties by a lessee or sublessee of a mine or
32 well, or by both, in determining the net proceeds of the lessee or sublessee,
33 or both.

34 4. Royalties deducted by a lessee or sublessee constitute part of the net
35 proceeds of the minerals extracted, upon which a tax must be levied against
36 the person to whom the royalty has been paid.

37 5. Every person acquiring property in the State of Nevada to engage in
38 the extraction of minerals and who incurs any of the expenses ~~mentioned~~
39 **set forth** in subsection 3 shall report those expenses and the recipient of any
40 royalty to the department on forms provided by the department.

41 6. The several deductions ~~mentioned~~ **set forth** in subsection 3 do not
42 include any expenditures for salaries, or any portion of salaries, of any
43 person not actually engaged in:

- 1 (a) The working of the mine;
- 2 (b) The operating of the mill, smelter or reduction works;
- 3 (c) The operating of the facilities or equipment for transportation;
- 4 (d) Superintending the management of any of those operations; or
- 5 (e) The State of Nevada, in office, clerical or engineering work
- 6 necessary or proper in connection with any of those operations.

7 **Sec. 69.** NRS 373.117 is hereby amended to read as follows:

8 373.117 1. A regional transportation commission may establish or
9 operate a public transit system consisting of regular routes and fixed
10 schedules to serve the public.

11 2. A regional transportation commission may lease vehicles to or from
12 or enter into other contracts with a private operator for the provision of
13 such a system.

14 3. In a county whose population is less than 400,000, such a system
15 may also provide service which includes:

16 (a) Minor deviations from regular routes and fixed schedules on a
17 recurring basis to serve the public transportation needs of passengers. The
18 deviations must not exceed one-half mile from the regular routes.

19 (b) The transporting of persons upon request without regard to regular
20 routes or fixed schedules, if the service is provided by a common motor
21 carrier . ~~[which has a certificate of public convenience and necessity issued~~
22 ~~by the transportation services authority pursuant to NRS 706.386 to~~
23 ~~706.411, inclusive, and the service is subject to the rules and regulations~~
24 ~~adopted by the transportation services authority for a fully regulated~~
25 ~~carrier.]~~

26 4. Notwithstanding the provisions of chapter 332 of NRS or NRS
27 625.530, a regional transportation commission may utilize a turnkey
28 procurement process to select a person to design, build, operate and
29 maintain, or any combination thereof, a fixed guideway system, including,
30 without limitation, any minimum operable segment thereof. The
31 commission shall determine whether to utilize turnkey procurement for a
32 fixed guideway project before the completion of the preliminary
33 engineering phase of the project. In making that determination, the
34 commission shall evaluate whether turnkey procurement is the most cost
35 effective method of constructing the project on schedule and in satisfaction
36 of its transportation objectives.

37 5. Notwithstanding the provisions of chapter 332 of NRS, a regional
38 transportation commission may utilize a competitive negotiation
39 procurement process to procure rolling stock for a fixed guideway project.
40 The award of a contract under such a process must be made to the person
41 whose proposal is determined to be the most advantageous to the
42 commission, based on price and other factors specified in the procurement
43 documents.

6. If a commission develops a fixed guideway project, the department of transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.

7. As used in this section:

(a) ~~“Fully regulated carrier” means a common carrier or contract carrier of passengers or household goods who is required to obtain from the transportation services authority a certificate of public convenience and necessity or a contract carrier’s permit and whose rates, routes and services are subject to regulation by the transportation services authority.~~

~~—(b)~~ “Minimum operable segment” means the shortest portion of a fixed guideway system that is technically capable of providing viable public transportation between two end points.

~~(c)~~ (b) “Public transit system” means a system employing motor buses, rails or any other means of conveyance, by whatever type of power, operated for public use in the conveyance of persons.

~~(d)~~ (c) “Turnkey procurement” means a competitive procurement process by which a person is selected by a regional transportation commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a fixed guideway system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

Sec. 70. NRS 377A.140 is hereby amended to read as follows:

377A.140 1. Except as otherwise provided in subsection 2, a public transit system in a county whose population is 400,000 or more may, in addition to providing local transportation within the county and the services described in NRS 377A.130, provide:

(a) Programs to reduce or manage motor vehicle traffic; and

(b) Any other services for a public transit system which are requested by the general public, if those additional services are included and described in a long-range plan adopted pursuant to 23 U.S.C. § 134 and 49 U.S.C. § 5303.

2. Before a regional transportation commission may provide for an on-call public transit system in an area of the county, the commission must receive a determination from the transportation services authority that:

(a) There are no ~~common~~ **taxicab** motor carriers ~~of passengers~~ **or limousine motor carriers** who are authorized to provide on-call operations for transporting passengers in that area; or

(b) Although there are ~~common~~ **taxicab** motor carriers ~~of passengers~~ **or limousine motor carriers** who are authorized to provide on-call operations for transporting passengers in the area, the ~~common~~ **taxicab** motor carriers ~~of passengers~~ **or limousine motor carriers** do not wish to provide, or are not capable of providing, those operations.

3. As used in this section:

(a) ~~["Common motor carrier of passengers" has the meaning ascribed to it in NRS 706.041.]~~ *"Limousine motor carrier" has the meaning ascribed to it in section 3 of this act.*

(b) "On-call public transit system" means a system established to transport passengers only upon the request of a person who needs transportation.

(c) *"Taxicab motor carrier" has the meaning ascribed to it in NRS 706.126.*

Sec. 71. NRS 392.330 is hereby amended to read as follows:

392.330 1. In addition to the purposes authorized by NRS 392.320, a board of trustees may use transportation ~~{funds}~~ *money* of the school district for:

(a) Arranging and paying for transportation, in accordance with subsection 2, by motor vehicles or otherwise, by contract or such other arrangement as the board finds most economical, expedient and feasible and for the best interests of the school district.

(b) Purchasing tickets for public buses for use by pupils enrolled in high school to travel to and from school.

2. Such transportation may be arranged and contracted for by a board of trustees with:

(a) Any railroad company holding a certificate of public convenience and necessity issued by the public utilities commission of Nevada, ~~{or}~~ bus company or other ~~{licensed}~~ common carrier. ~~{holding a certificate of public convenience and necessity issued by the transportation services authority.}~~

(b) The owners and operators of private automobiles or other private motor vehicles, including parents of pupils who attend school and are entitled to transportation. When required by the board of trustees, every such private automobile or other private motor vehicle regularly transporting pupils must be insured in the amount required by regulation of the state board against the loss and damage described in subsection 2 of NRS 392.320.

Sec. 72. NRS 482.3963 is hereby amended to read as follows:

482.3963 1. An owner of a vehicle who leases it to a carrier and operates the vehicle pursuant to that lease may apply to the department for a temporary permit to operate the vehicle if the vehicle:

(a) Is not subject to the provisions of NRS 482.390 and 482.395;

(b) Is not currently registered in this state, another state or a foreign country; and

(c) Is operated at the vehicle's unladen weight.

2. The department shall charge \$10 for such a temporary permit, in addition to all other applicable fees and taxes.

1 3. Such a temporary permit must:

2 (a) Bear the date of its expiration;

3 (b) Expire at 5 p.m. on the 15th day after its date of issuance;

4 (c) Be affixed to the vehicle in a manner prescribed by the department;
5 and

6 (d) Be removed and destroyed upon its expiration or upon the issuance
7 of a certificate of registration for the vehicle, whichever occurs first.

8 4. As used in this section, "carrier" means a common motor carrier of
9 passengers as defined in NRS 706.041, a common motor carrier of property
10 as defined in NRS 706.046, a contract motor carrier as defined in NRS
11 706.051, ~~for~~ a private motor carrier of property as defined in NRS 706.111
12 ~~for~~, *a taxicab motor carrier as defined in NRS 706.126, a limousine*
13 *motor carrier as defined in section 3 of this act or a carrier of household*
14 *goods as defined in section 2 of this act.*

15 **Sec. 73.** NRS 483.160 is hereby amended to read as follows:

16 483.160 1. "School bus" means every motor vehicle owned by or
17 under the control of a public or governmental agency or a private school
18 and regularly operated for the transportation of children to or from school
19 or a school activity or privately owned and regularly operated for
20 compensation for the transportation of children to or from school or a
21 school activity.

22 2. "School bus" does not include a passenger car operated under a
23 contract to transport children to and from school, a common carrier or
24 commercial vehicle under the jurisdiction of the Surface Transportation
25 Board ~~for the transportation services authority~~ when such a vehicle is
26 operated in the regular conduct of its business in interstate or intrastate
27 commerce within the State of Nevada.

28 **Sec. 74.** NRS 484.148 is hereby amended to read as follows:

29 484.148 1. "School bus" means every motor vehicle owned by or
30 under the control of a public or governmental agency or a private school
31 and regularly operated for the transportation of children to or from school
32 or a school activity or privately owned and regularly operated for
33 compensation for the transportation of children to or from school or a
34 school activity.

35 2. "School bus" does not include a passenger car operated under a
36 contract to transport children to and from school, a common carrier or
37 commercial vehicle under the jurisdiction of the Surface Transportation
38 Board ~~for the transportation services authority~~ when such vehicle is
39 operated in the regular conduct of its business in interstate or intrastate
40 commerce within the State of Nevada.

41 **Sec. 75.** NRS 484.631 is hereby amended to read as follows:

42 484.631 1. Tow cars must be equipped with:

1 (a) One or more brooms, and the driver of the tow car engaged to
2 remove a disabled vehicle from the scene of an accident shall remove all
3 glass and debris deposited upon the roadway by the disabled vehicle which
4 is to be towed.

5 (b) A shovel, and whenever practical the driver of the tow car engaged
6 to remove any disabled vehicle shall spread dirt upon any portion of the
7 roadway where oil or grease has been deposited by the disabled vehicle.

8 (c) At least one fire extinguisher of the dry chemical or carbon dioxide
9 type, with minimum effective chemicals of no less than 5 pounds, with an
10 aggregate rating of at least 10-B, C units, which must bear the approval of a
11 laboratory nationally recognized as properly equipped to grant such
12 approval.

13 2. A citation may be issued to any driver of a tow car who violates any
14 provision of paragraph (a) of subsection 1. The peace officer who issues the
15 citation shall report the violation to the Nevada highway patrol or the
16 sheriff of the county or the chief of police of the city in which the roadway
17 is located. If necessary, the Nevada highway patrol, sheriff or chief of
18 police shall cause the roadway to be cleaned and shall bill the owner or
19 operator of the tow car for the costs of the cleaning. ~~If the owner or~~
20 ~~operator does not pay those costs within 30 days after receiving the bill~~
21 ~~therefor, the Nevada highway patrol, sheriff or chief of police shall report~~
22 ~~such information to the transportation services authority, which may take~~
23 ~~disciplinary action in accordance with the provisions of NRS 706.449.]~~

24 **Sec. 76.** NRS 487.038 is hereby amended to read as follows:

25 487.038 1. Except as otherwise provided in subsections 3 and 4, the
26 owner or person in lawful possession of any real property may, after giving
27 notice pursuant to subsection 2, utilize the services of any tow car operator
28 ~~[subject to the jurisdiction of the transportation services authority]~~ to
29 remove any vehicle parked in an unauthorized manner on that property to
30 the nearest public garage or storage yard if:

31 (a) A sign is displayed in plain view on the property declaring public
32 parking to be prohibited or restricted in a certain manner; and

33 (b) The sign shows the telephone number of the police department or
34 sheriff's office.

35 2. Oral notice must be given to the police department or sheriff's
36 office, whichever is appropriate, indicating:

37 (a) The time the vehicle was removed;

38 (b) The location from which the vehicle was removed; and

39 (c) The location to which the vehicle was taken.

40 3. Any vehicle which is parked in a space designated for the
41 handicapped and is not properly marked for such parking may be removed
42 if notice is given to the police department or sheriff's office pursuant to
43 subsection 2, whether or not a sign is displayed pursuant to subsection 1.

1 4. The owner or person in lawful possession of residential real property
2 upon which a single-family dwelling is located may, after giving notice
3 pursuant to subsection 2, utilize the services of any tow car operator
4 ~~{subject to the jurisdiction of the transportation services authority}~~ to
5 remove any vehicle parked in an unauthorized manner on that property to
6 the nearest public garage or storage yard, whether or not a sign is displayed
7 pursuant to subsection 1.

8 5. All costs incurred, under the provisions of this section, for towing
9 and storage must be borne by the owner of the vehicle, as that term is
10 defined in NRS 484.091.

11 6. The provisions of this section do not limit or affect any rights or
12 remedies which the owner or person in lawful possession of real property
13 may have by virtue of other provisions of the law authorizing the removal
14 of a vehicle parked on that property.

15 **Sec. 77.** NRS 565.040 is hereby amended to read as follows:

16 565.040 1. The administrator may declare any part of this state a
17 brand inspection district.

18 2. After the creation of any brand inspection district as authorized by
19 this chapter all animals within any such district are subject to brand
20 inspection in accord with the terms of this chapter before:

- 21 (a) Consignment for slaughter within any district;
22 (b) Any transfer of ownership by sale or otherwise; or
23 (c) Removal from the district if the removal is not authorized pursuant to
24 a livestock movement permit issued by the division.

25 3. Whenever a brand inspection district is created by the division
26 pursuant to the provisions of this chapter, the administrator shall adopt and
27 issue regulations defining the boundaries of the district, the fees to be
28 collected for brand inspection, and prescribing such other rules or methods
29 of procedure not inconsistent with the provisions of this chapter as he
30 deems wise.

31 4. Any regulations issued pursuant to the provisions of this section
32 must be published at least twice in some newspaper having a general
33 circulation in the brand inspection district created by the regulations, ~~and~~
34 ~~copies of the regulations must be mailed to all common carriers of record~~
35 ~~with the transportation services authority operating in the brand inspection~~
36 ~~district,]~~ which publication and notification constitutes legal notice of the
37 creation of the brand inspection district. The expense of advertising and
38 notification must be paid from the livestock inspection account.

39 **Sec. 78.** NRS 599B.010 is hereby amended to read as follows:

40 599B.010 As used in this chapter, unless the context otherwise
41 requires:

42 1. “Chance promotion” means any plan in which premiums are
43 distributed by random or chance selection.

- 1 2. “Commissioner” means the commissioner of consumer affairs.
- 2 3. “Consumer” means a person who is solicited by a seller or salesman.
- 3 4. “Division” means the consumer affairs division of the department of
- 4 business and industry.
- 5 5. “Donation” means a promise, grant or pledge of money, credit,
- 6 property, financial assistance or other thing of value given in response to a
- 7 solicitation by telephone, including, but not limited to, a payment or
- 8 promise to pay in consideration for a performance, event or sale of goods
- 9 or services. The term does not include volunteer services, government
- 10 grants or contracts or a payment by members of any organization of
- 11 membership fees, dues, fines or assessments or for services rendered by the
- 12 organization to those persons, if:
- 13 (a) The fees, dues, fines, assessments or services confer a bona fide
- 14 right, privilege, professional standing, honor or other direct benefit upon
- 15 the member; and
- 16 (b) Membership in the organization is not conferred solely in
- 17 consideration for making a donation in response to a solicitation.
- 18 6. “Goods or services” means any property, tangible or intangible, real,
- 19 personal or mixed, and any other article, commodity or thing of value.
- 20 7. “Premium” includes any prize, bonus, award, gift or any other
- 21 similar inducement or incentive to purchase.
- 22 8. “Recovery service” means a business or other practice whereby a
- 23 person represents or implies that he will, for a fee, recover any amount of
- 24 money that a consumer has provided to a seller or salesman pursuant to a
- 25 solicitation governed by the provisions of this chapter.
- 26 9. “Salesman” means any person:
- 27 (a) Employed or authorized by a seller to sell, or to attempt to sell,
- 28 goods or services by telephone;
- 29 (b) Retained by a seller to provide consulting services relating to the
- 30 management or operation of the seller’s business; or
- 31 (c) Who communicates on behalf of a seller with a consumer:
- 32 (1) In the course of a solicitation by telephone; or
- 33 (2) For the purpose of verifying, changing or confirming an
- 34 order,
- 35 except that a person is not a salesman if his only function is to identify a
- 36 consumer by name only and he immediately refers the consumer to a
- 37 salesman.
- 38 10. Except as otherwise provided in subsection 11, “seller” means any
- 39 person who, on his own behalf, causes or attempts to cause a solicitation by
- 40 telephone to be made through the use of one or more salesmen or any
- 41 automated dialing announcing device under any of the following
- 42 circumstances:

- 1 (a) The person initiates contact by telephone with a consumer and
2 represents or implies:
- 3 (1) That a consumer who buys one or more goods or services will
4 receive additional goods or services, whether or not of the same type as
5 purchased, without further cost, except for actual postage or common
6 carrier charges;
- 7 (2) That a consumer will or has a chance or opportunity to receive a
8 premium;
- 9 (3) That the items for sale are gold, silver or other precious metals,
10 diamonds, rubies, sapphires or other precious stones, or any interest in oil,
11 gas or mineral fields, wells or exploration sites or any other investment
12 opportunity;
- 13 (4) That the product offered for sale is information or opinions
14 relating to sporting events;
- 15 (5) That the product offered for sale is the services of a recovery
16 service; or
- 17 (6) That the consumer will receive a premium , or goods or services if
18 he makes a donation;
- 19 (b) The solicitation by telephone is made by the person in response to
20 inquiries from a consumer generated by a notification or communication
21 sent or delivered to the consumer that represents or implies:
- 22 (1) That the consumer has been in any manner specially selected to
23 receive the notification or communication or the offer contained in the
24 notification or communication;
- 25 (2) That the consumer will receive a premium if the recipient calls the
26 person;
- 27 (3) That if the consumer buys one or more goods or services from the
28 person, the consumer will also receive additional or other goods or
29 services, whether or not the same type as purchased, without further cost or
30 at a cost that the person represents or implies is less than the regular price
31 of the goods or services;
- 32 (4) That the product offered for sale is the services of a recovery
33 service; or
- 34 (5) That the consumer will receive a premium or goods or services if
35 he makes a donation; or
- 36 (c) The solicitation by telephone is made by the person in response to
37 inquiries generated by advertisements that represent or imply that the
38 person is offering to sell any:
- 39 (1) Gold, silver or other metals, including coins, diamonds, rubies,
40 sapphires or other stones, coal or other minerals or any interest in oil, gas
41 or other mineral fields, wells or exploration sites, or any other investment
42 opportunity;
- 43 (2) Information or opinions relating to sporting events; or

1 (3) Services of a recovery service.

2 11. "Seller" does not include:

3 (a) A person licensed pursuant to chapter 90 of NRS when soliciting
4 offers, sales or purchases within the scope of his license.

5 (b) A person licensed pursuant to chapter 119A, 119B, 624, 645 or
6 696A of NRS when soliciting sales within the scope of his license.

7 (c) A person licensed as an insurance broker, agent or solicitor when
8 soliciting sales within the scope of his license.

9 (d) Any solicitation of sales made by the publisher of a newspaper or
10 magazine or by an agent of the publisher pursuant to a written agreement
11 between the agent and publisher.

12 (e) A broadcaster soliciting sales who is licensed by any state or federal
13 authority, if the solicitation is within the scope of the broadcaster's license.

14 (f) A person who solicits a donation from a consumer when:

15 (1) The person represents or implies that the consumer will receive a
16 premium or goods or services with an aggregated fair market value of 2
17 percent of the donation or \$50, whichever is less; or

18 (2) The consumer provides a donation of \$50 or less in response to
19 the solicitation.

20 (g) A charitable organization which is registered or approved to conduct
21 a lottery pursuant to chapter 462 of NRS.

22 (h) A public utility ~~{or}~~, **taxicab** motor carrier, **limousine motor**
23 **carrier or carrier of household goods** which is regulated pursuant to
24 chapter 704 or 706 of NRS, or ~~{by}~~ an affiliate of such a utility or ~~{motor}~~
25 carrier, if the solicitation is within the scope of its certificate or ~~{license.}~~
26 **permit.**

27 (i) A utility which is regulated pursuant to chapter 710 of NRS, or ~~{by}~~
28 an affiliate of such a utility.

29 (j) A person soliciting the sale of books, recordings, video cassettes,
30 software for computer systems or similar items through:

31 (1) An organization whose method of sales is governed by the
32 provisions of Part 425 of Title 16 of the Code of Federal Regulations
33 relating to the use of negative option plans by sellers in commerce;

34 (2) The use of continuity plans, subscription arrangements,
35 arrangements for standing orders, supplements, and series arrangements
36 pursuant to which the person periodically ships merchandise to a consumer
37 who has consented in advance to receive the merchandise on a periodic
38 basis and has the opportunity to review the merchandise for at least 10 days
39 and return it for a full refund within 30 days after it is received; or

40 (3) An arrangement pursuant to which the person ships merchandise
41 to a consumer who has consented in advance to receive the merchandise
42 and has the opportunity to review the merchandise for at least 10 days and
43 return it for a full refund within 30 days after it is received.

1 (k) A person who solicits sales by periodically publishing and delivering
2 a catalog to consumers if the catalog:

3 (1) Contains a written description or illustration of each item offered
4 for sale and the price of each item;

5 (2) Includes the business address of the person;

6 (3) Includes at least 24 pages of written material and illustrations;

7 (4) Is distributed in more than one state; and

8 (5) Has an annual circulation by mailing of not less than 250,000.

9 (l) A person soliciting without the intent to complete and who does not
10 complete, the sales transaction by telephone but completes the sales
11 transaction at a later face-to-face meeting between the solicitor and the
12 consumer, if the person, after soliciting a sale by telephone, does not cause
13 another person to collect the payment from or deliver any goods or services
14 purchased to the consumer.

15 (m) Any commercial bank, bank holding company, subsidiary or
16 affiliate of a bank holding company, trust company, savings and loan
17 association, credit union, industrial loan company, personal property
18 broker, consumer finance lender, commercial finance lender, or insurer
19 subject to regulation by an official or agency of this state or of the United
20 States, if the solicitation is within the scope of the certificate or license held
21 by the entity.

22 (n) A person holding a certificate of authority issued pursuant to chapter
23 452 of NRS when soliciting sales within the scope of the certificate.

24 (o) A person licensed pursuant to chapter 689 of NRS when soliciting
25 sales within the scope of his license.

26 (p) A person soliciting the sale of services provided by a community
27 antenna television company subject to regulation pursuant to chapter 711 of
28 NRS.

29 (q) A person soliciting the sale of agricultural products, if the
30 solicitation is not intended to and does not result in a sale of more than
31 \$100 that is to be delivered to one address. As used in this paragraph,
32 “agricultural products” has the meaning ascribed to it in NRS 587.290.

33 (r) A person who has been operating, for at least 2 years, a retail
34 business establishment under the same name as that used in connection with
35 the solicitation of sales by telephone if, on a continuing basis:

36 (1) Goods are displayed and offered for sale or services are offered
37 for sale and provided at the person’s business establishment; and

38 (2) At least 50 percent of the person’s business involves the buyer
39 obtaining such goods or services at the person’s business establishment.

40 (s) A person soliciting only the sale of telephone answering services to
41 be provided by the person or his employer.

42 (t) A person soliciting a transaction regulated by the Commodity Futures
43 Trading Commission,

if:

(1) The person is registered with or temporarily licensed by the Commission to conduct that activity pursuant to the Commodity Exchange Act, ~~14~~ 7 U.S.C. §§ 1 et seq. ; ~~D~~ and

(2) The registration or license has not expired or been suspended or revoked.

(u) A person who contracts for the maintenance or repair of goods previously purchased from the person:

(1) Making the solicitation; or

(2) On whose behalf the solicitation is made.

(v) A person to whom a license to operate an information service or a nonrestricted gaming license, which is current and valid, has been issued pursuant to chapter 463 of NRS when soliciting sales within the scope of his license.

(w) A person who solicits a previous customer of the business on whose behalf the call is made if the person making the call:

(1) Does not offer the customer any premium in connection with the sale;

(2) Is not selling an investment or an opportunity for an investment that is not registered with any state or federal authority; and

(3) Is not regularly engaged in telephone sales.

(x) A person who solicits the sale of livestock.

(y) An issuer which has a class of securities that is listed on the New York Stock Exchange, the American Stock Exchange or the National Market System of the National Association of Securities Dealers Automated Quotation System.

(z) A subsidiary of an issuer that qualifies for exemption pursuant to paragraph (y) if at least 60 percent of the voting power of the shares of the subsidiary is owned by the issuer.

Sec. 79. NRS 706.021, 706.056, 706.072, 706.158, 706.168, 706.445, 706.446, 706.4463, 706.4464, 706.4465, 706.4467, 706.4468, 706.4469, 706.4473, 706.4475, 706.4477, 706.4479, 706.4483, 706.4485, 706.449, 706.451 and 706.453 are hereby repealed.

Sec. 80. Any regulations relating to liability insurance adopted by the transportation services authority pursuant to NRS 706.291, 706.303 or 706.305, remain in force until amended by the department of motor vehicles and public safety. On and after October 1, 1999, such regulations must be enforced by the department of motor vehicles and public safety.

Sec. 81. On October 1, 1999, the transportation services authority shall forward to the department of motor vehicles and public safety all liability insurance policies, certificates of insurance, bonds of a surety company and other surety which have been filed with the transportation services authority.

LEADLINES OF REPEALED SECTIONS

706.021 “Broker” defined.

706.056 “Converter gear dolly” defined.

706.072 “Fully regulated carrier” defined.

706.158 Inapplicability of provisions governing brokers to motor clubs and charitable organizations.

706.168 Supervision of motor carriers separate from supervision of brokers.

706.445 Limitations on power of authority to regulate towing services.

706.446 Certain operators of tow cars not required to obtain certificates of public convenience and necessity.

706.4463 Requirements for operators of tow cars: Certificates of public convenience and necessity; size and weight of tow cars; applications for certificates.

706.4464 Transfer of certificate of public convenience and necessity: Conditions; application; hearing; approval.

706.4465 Operator of tow car required to maintain dispatcher’s log.

706.4467 Requirements for towing and storing towed motor vehicles, cargo and personal property.

706.4468 Operator of tow car required to file charges for preparing or satisfying liens with authority; conditions for imposing charges.

706.4469 Release of motor vehicle connected to tow car at point of origination of towing.

706.4473 Operator required to inform owner of towed motor vehicle of right to file complaint with authority.

706.4475 Operator prohibited from knowingly towing vehicle after another operator already requested.

706.4477 Conditions for person other than owner of motor vehicle to request towing.

706.4479 Duties of operator if motor vehicle towed at request of person other than owner.

706.4483 Authority to act upon complaints relating to operators of tow cars; remedies.

706.4485 Conditions for inclusion of operator of tow car on list maintained and utilized by law enforcement agency.

- 706.449 Administrative fine for failure to pay charge for cleaning roadway after accident.**
- 706.451 Annual fee; penalty and interest.**
- 706.453 Exemption of certain automobile wreckers.**

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