
SENATE BILL NO. 491—COMMITTEE ON TRANSPORTATION

MARCH 19, 1999

Referred to Committee on Transportation

SUMMARY—Makes various changes relating to regulation of taxicabs and other common motor carriers by transportation services authority. (BDR 58-1606)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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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; reorganizing the taxicab authority into the transportation services authority; revising the provisions governing the judicial review of certain decisions by the transportation services authority; revising the provisions concerning taxicabs operating pursuant to lease agreements; making various changes to the provisions governing the regulation of common motor carriers; prohibiting certain persons from offering money in exchange for a recommendation for patronage of certain licensed establishments; increasing certain administrative and criminal penalties; providing penalties; 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 31, inclusive, of this act.
3 **Sec. 2.** ***“Certificate holder” means a person who holds a current***
4 ***certificate of public convenience and necessity which was issued for the***
5 ***operation of a common carrier, tow car and other carriers subject to the***
6 ***jurisdiction of the authority by:***
7 1. ***The previously existing public service commission of Nevada***
8 ***before July 1, 1981, and which has not been transferred, revoked or***
9 ***suspended by the transportation services authority or the previously***
10 ***existing taxicab authority, or by operation of law;***
11 2. ***The previously existing taxicab authority and which has not been***
12 ***transferred, suspended or revoked by the transportation services***
13 ***authority or the previously existing taxicab authority, or by operation of***
14 ***law; or***

1 **3. The transportation services authority and which has not been**
2 **transferred, suspended or revoked by the transportation services**
3 **authority or by operation of law.**

4 **Sec. 3. "Contested case" means any matter that is before the**
5 **authority concerning a complaint, a citation, the impoundment of a**
6 **vehicle, a request for affirmative relief, or any other proceeding in which**
7 **a certificate or permit may be suspended or revoked or an administrative**
8 **penalty imposed. The term does not include any other application,**
9 **petition or filing for the purposes of NRS 233B.121 to 233B.127,**
10 **inclusive.**

11 **Sec. 4. "Driver" means a person who operates a taxicab, limousine,**
12 **bus or tow car, or a vehicle used for the movement of household goods,**
13 **which is subject to the jurisdiction of the transportation services**
14 **authority. A driver includes a certificate holder when he operates a**
15 **taxicab.**

16 **Sec. 5. "Limousine" means a motor vehicle, other than a taxicab,**
17 **which has a capacity of less than 16 persons, including the driver, and is**
18 **engaged in the business of the general transportation of persons, whether**
19 **or not the operator of the limousine charges a fee therefor.**

20 **Sec. 6. "Party" means:**

21 **1. An applicant, a petitioner, a complainant, a member of the staff of**
22 **the authority, or any other moving party in a proceeding before the**
23 **authority;**

24 **2. A respondent to a complaint before the authority; or**

25 **3. An intervenor admitted by the authority to participate in any**
26 **proceeding before the authority, as prescribed by the authority by**
27 **regulation.**

28 **Sec. 7. "Petition for reconsideration" means a petition that:**

29 **1. Is filed by a party who is aggrieved by a decision of the authority;**

30 **2. Is based on the record of that decision; and**

31 **3. Identifies specific portions of that decision which the petitioner**
32 **deems to be unlawful, unreasonable or based on erroneous conclusions**
33 **of law or mistaken facts.**

34 **Sec. 8. "Regulated carrier" means any person who is engaged in the**
35 **operation or business of a common motor carrier, a contract motor**
36 **carrier or a carrier of household goods subject to the jurisdiction of the**
37 **authority provided pursuant to this chapter, and who is required to obtain**
38 **a certificate of public convenience and necessity or a contract carrier's**
39 **permit from the authority.**

40 **Sec. 9. "Taximeter" means an instrument used in a taxicab for**
41 **indicating the passenger fare charged.**

1 **Sec. 10.** *The provisions of NRS 706.321 to 706.331, inclusive, and*
2 *section 30 of this act do not apply to taxicabs which operate in a county*
3 *whose population is 400,000 or more.*

4 **Sec. 11.** *If the authority does not issue a notice for a hearing or*
5 *otherwise take action on an application, a petition or any other request*
6 *for affirmative relief within 45 days after the date on which the*
7 *application, petition or request is filed with the authority, the party who*
8 *filed the application, petition or request may request that the authority set*
9 *a prehearing conference within 45 days thereafter. The authority may*
10 *grant such a request if:*

11 1. *The request is made in writing on a form approved by the*
12 *authority;*

13 2. *The party requesting the prehearing conference has paid to the*
14 *authority all filing fees and costs for any applications and investigations*
15 *that have been billed to the party by the authority;*

16 3. *The party is not in violation of any order of the authority;*

17 4. *The party is not delinquent in his response to any request for data*
18 *or other information made by the staff of the authority; and*

19 5. *There is no vacancy in the membership of the authority.*

20 **Sec. 12.** *A petition for reconsideration must be filed with the*
21 *authority not later than 15 days after the date on which the decision of*
22 *the authority is served on the party. The authority shall serve an order*
23 *granting or denying the petition upon all parties not later than 60 days*
24 *after the date on which the petition is filed.*

25 **Sec. 13.** 1. *Any party who is:*

26 (a) *Admitted as a party of record by the authority in an administrative*
27 *proceeding before the authority;*

28 (b) *Aggrieved by a final decision of the authority in that*
29 *administrative proceeding; and*

30 (c) *Denied reconsideration of the decision, in whole or in part, by the*
31 *authority,*
32 *is entitled to judicial review of the decision.*

33 2. *A petition for judicial review must:*

34 (a) *Name the authority, and all other parties of record to the*
35 *administrative proceeding, as respondents; and*

36 (b) *Be filed in a court of competent jurisdiction within 30 days after*
37 *the date on which the order of the authority denying, in whole or in part,*
38 *the petition for reconsideration is served on the party.*

39 3. *A cross-petition for judicial review must be filed with the court*
40 *within 10 days after the date on which the petition for judicial review is*
41 *served on the party. The petition for judicial review and any cross-*
42 *petitions for judicial review must be served upon the authority and each*
43 *party not later than 15 days after the date on which the petition or cross*

1 *petition is filed with the court unless, upon a showing of good cause, the*
2 *court extends the time for such service.*

3 *4. If the authority or any party wants to participate in the*
4 *proceedings for judicial review, the authority or other party shall file a*
5 *statement of intent to participate in such proceedings and serve the*
6 *statement of intent upon the authority and every other party upon whom*
7 *the petition was served not later than 20 days after the date on which the*
8 *petition for judicial review was served.*

9 *5. On or before the date of filing a petition for the judicial review of*
10 *any final decision of the authority which imposes a fee, fine or other*
11 *monetary penalty, the petitioner shall pay to the authority under protest*
12 *all such fees, fines and monetary penalties.*

13 *6. The provisions of sections 11 to 18, inclusive, of this act are the*
14 *exclusive means of judicial review of, or judicial action concerning, a*
15 *final decision in a contested case involving the authority.*

16 **Sec. 14.** *Within 45 days after the date on which a petition for*
17 *judicial review is served, or such time as is authorized by the court, and*
18 *upon payment by the petitioner of such reasonable costs and fees as the*
19 *authority may prescribe, the authority shall transmit to the reviewing*
20 *court the original or a certified copy of the entire record of the*
21 *proceeding under review, including a transcript of the evidence resulting*
22 *in the final decision of the authority. The record may be limited by*
23 *stipulation of the parties to the proceeding. A party who unreasonably*
24 *refuses to stipulate to the limiting of the record, as determined by the*
25 *court, may be assessed by the court any additional costs. The court may*
26 *require or otherwise authorize subsequent corrections or additions to the*
27 *record.*

28 **Sec. 15. 1.** *A petitioner or cross-petitioner who is seeking judicial*
29 *review shall file and serve a memorandum of points and authorities*
30 *within 30 days after the date on which the authority gives written notice*
31 *to the parties that the record of the proceeding under review has been*
32 *filed with the court.*

33 *2. The respondent or cross-petitioner shall file and serve a reply*
34 *memorandum of points and authorities within 30 days after the date on*
35 *which the memorandum of points and authorities is served pursuant to*
36 *subsection 1.*

37 *3. The petitioner or cross-petitioner may serve and file a*
38 *memorandum of points and authorities in response to the reply*
39 *memorandum served pursuant to subsection 2 within 15 days after the*
40 *date on which the reply memorandum is served.*

41 *4. Within 7 days after the expiration of the time within which the*
42 *petitioner is required to reply, any party may request a hearing. Unless a*

1 *request for a hearing is filed, the matter shall be deemed to be submitted*
2 *for judicial review.*

3 *5. A memorandum of points and authorities filed in a proceeding*
4 *involving a judicial review must be in the form provided by the Nevada*
5 *Rules of Appellate Procedure.*

6 *6. The court may, for good cause shown, extend the time for filing a*
7 *memorandum of points and authorities pursuant to this section.*

8 **Sec. 16. 1. Judicial review of a final decision of the authority must**
9 **be:**

10 (a) *Conducted by the court without a jury; and*

11 (b) *Confined to the record.*

12 *2. A final decision of the authority shall be deemed to be reasonable*
13 *and lawful until a court has reversed or set aside all or any part of the*
14 *decision. The burden of proof is on the party challenging the final*
15 *decision to show that the final decision is invalid pursuant to subsection*
16 *3.*

17 *3. The court shall not substitute its judgment for that of the authority*
18 *as to the weight of the evidence on a question of fact. The court may*
19 *remand or affirm the final decision or set it aside in whole or in part if a*
20 *substantial right of the petitioner has been prejudiced because the final*
21 *decision of the authority is:*

22 (a) *In violation of constitutional or statutory provisions;*

23 (b) *Beyond the statutory authority of the authority;*

24 (c) *Made upon unlawful procedure;*

25 (d) *Affected by other error of law;*

26 (e) *Clearly erroneous in view of the reliable, probative and substantial*
27 *evidence on the whole record; or*

28 (f) *Arbitrary or capricious, or characterized by an abuse of discretion*
29 *by the authority.*

30 **Sec. 17. 1. A petitioner who applies for a stay of the final decision**
31 **of the authority shall file and serve a written motion for the stay on the**
32 **authority and all parties of record to the proceeding at the time when the**
33 **petition for judicial review is filed.**

34 *2. In determining whether to grant a stay, the court shall consider*
35 *the same factors as are considered for a preliminary injunction pursuant*
36 *to the Nevada Rules of Civil Procedure.*

37 *3. In making its ruling, the court shall:*

38 (a) *Give deference to the trier of fact; and*

39 (b) *Consider the risk to the public of staying the administrative*
40 *decision.*

41 *4. The petitioner must provide security before the court may issue a*
42 *stay pursuant to this section.*

1 **Sec. 18.** *An aggrieved party may obtain a review of any judgment of*
2 *the district court by appeal to the supreme court of the State of Nevada.*
3 *The appeal must be taken as in other civil cases.*

4 **Sec. 19. 1.** *For the issuance, and for each annual renewal, of a*
5 *certificate of public convenience and necessity, a regulated carrier shall*
6 *pay to the authority:*

7 *(a) For each taxicab which it operates pursuant to the certificate, a fee*
8 *of not more than \$500, as determined by regulation of the authority.*

9 *(b) For each limousine which it operates pursuant to the certificate, a*
10 *fee of not more than \$1,000, as determined by regulation of the*
11 *authority.*

12 *(c) For each bus that it operates pursuant to the certificate, a fee of*
13 *not more than \$500, as determined by regulation of the authority.*

14 *(d) For each carrier of household goods which it operates pursuant to*
15 *the certificate, a fee of not more than \$500, as determined by regulation*
16 *of the authority.*

17 *(e) For each tow car which it operates pursuant to the certificate, a fee*
18 *of not more than \$500, as determined by regulation of the authority.*

19 **2.** *The fees provided for in this section must be paid on or before*
20 *January 1 of each year. The amount of the initial fee for a new*
21 *certificate of public convenience and necessity must be reduced by one-*
22 *twelfth for each month that has elapsed since the beginning of the*
23 *calendar year in which operation is begun. Money collected pursuant to*
24 *this section must be deposited in the state treasury for credit to the*
25 *transportation services authority regulatory fund.*

26 **3.** *Any person who fails to pay any fee on or before the date*
27 *prescribed in this section shall pay a penalty of 10 percent of the amount*
28 *of the fee plus interest on the amount of the fee at the rate of 1 percent*
29 *per month, or fraction thereof, from the date the fee is due until the date*
30 *of payment.*

31 **Sec. 20. 1.** *In addition to any fees that may be imposed by the*
32 *authority pursuant to section 19 of this act, a person who enters into a*
33 *lease agreement with an independent contractor pursuant to NRS*
34 *706.473 shall, at the time that he submits the agreement to the authority*
35 *for approval, and on or before January 1 of each year thereafter during*
36 *the term of the lease agreement, pay to the authority a fee of not more*
37 *than \$500, as determined by regulation of the authority. Money collected*
38 *pursuant to this section must be deposited in the state treasury for credit*
39 *to the transportation services authority regulatory fund.*

40 **2.** *The authority shall not approve a lease agreement pursuant to*
41 *NRS 706.473 unless the lease agreement that is submitted to the*
42 *authority for approval includes the fee required by this section. The*
43 *amount of the initial fee for a new lease agreement must be reduced one*

1 *twelfth for each month that has elapsed since the beginning of the*
2 *calendar year in which approval of the lease agreement is sought.*

3 *3. Any person who fails to pay the fee required by this section on or*
4 *before the date prescribed in this section shall pay a penalty of 10 percent*
5 *of the amount of the fee plus interest on the amount of the fee at the rate*
6 *of 1 percent per month, or fraction thereof, from the date the fee is due*
7 *until the date of payment.*

8 **Sec. 21.** *1. Except as otherwise provided in this section, a holder of*
9 *a certificate of public convenience and necessity shall not permit a*
10 *vehicle to be used as a taxicab pursuant to a lease agreement approved*
11 *by the authority pursuant to NRS 706.743 between the holder and an*
12 *independent contractor if the vehicle has been in operation as a taxicab*
13 *for more than 4 model years or 52 months, whichever period is longer.*

14 *2. Except as otherwise provided in this section, a vehicle used as a*
15 *taxicab by an independent contractor pursuant to an approved lease*
16 *agreement must:*

17 *(a) Be new; or*

18 *(b) Register not more than 30,000 miles on the odometer.*

19 *3. If the lease agreement was entered into and approved by the*
20 *authority pursuant to NRS 706.473 on or before October 1, 1999, the*
21 *authority may, upon application of the holder of the certificate of public*
22 *convenience and necessity who is leasing the vehicle and upon good*
23 *cause shown, grant a temporary waiver of the provisions of this section.*
24 *Such a waiver must not exceed 6 months. If, after the expiration of the*
25 *waiver, the holder does not comply with the provisions of this section, the*
26 *authority shall withdraw its approval of the lease agreement.*

27 **Sec. 22.** *1. An independent contractor must obtain a driver's*
28 *permit pursuant to NRS 706.8841 before he may operate a taxicab*
29 *pursuant to a lease agreement entered into pursuant to NRS 706.743.*

30 *2. In addition to the driver's permit, an independent contractor must*
31 *obtain a special driver's permit from the authority in accordance with*
32 *regulations adopted by the authority. The annual fee for a special*
33 *driver's permit is \$150.*

34 *3. On and after October 1, 2000, the authority shall not approve a*
35 *lease agreement unless the independent contractor with whom the*
36 *agreement is made has held a driver's permit in good standing issued by*
37 *the authority pursuant to NRS 706.8841 for at least 1 year.*

38 **Sec. 23.** *1. On and after October 1, 1999, the number of lease*
39 *agreements that the authority may approve pursuant to NRS 706.473*
40 *must not exceed the number of existing lease agreements that have been*
41 *approved by the authority as of that date.*

42 *2. Beginning on January 1, 2000, and on each January 1 thereafter,*
43 *the number of lease agreements that the authority may approve pursuant*

1 to NRS 706.473 must be reduced by a number that is equal to one-
2 seventh of the number of lease agreements that are authorized for
3 approval as of the date of the calculation. If one-seventh of the number
4 of lease agreements is not equal to a whole number, the nearest whole
5 number above the computed amount must be used.

6 **Sec. 24.** 1. On and after January 1, 2006, a person who holds a
7 certificate of public convenience and necessity which was issued for the
8 operation of a taxicab business shall not lease a taxicab to any
9 independent contractor, regardless of whether the independent
10 contractor holds a certificate of public convenience and necessity to
11 operate a taxicab business.

12 2. The authority shall not approve any such lease agreements on or
13 after January 1, 2006.

14 **Sec. 25.** A lien provided by NRS 706.476 is paramount to all private
15 liens or encumbrances of whatever character upon the vehicle and to the
16 rights of any conditional vendor or any other holder of the legal title to
17 the vehicle, except that:

18 1. The lien is not enforceable against any vehicle which was
19 transferred in good faith to a bona fide transferee before physical
20 possession of the vehicle was taken by the authority pursuant to the lien.

21 2. The lien of the authority is subordinate to any lien of indebtedness
22 secured by a security agreement which existed against the vehicle before
23 the time when the lien provided by NRS 706.476 attached to the vehicle
24 if:

25 (a) The indebtedness was incurred in good faith to secure a portion of
26 the purchase price of the vehicle;

27 (b) The indebtedness is secured by a security agreement perfected as
28 required by law; and

29 (c) The security agreement, whether providing for a purchase money
30 security interest or otherwise, was not given, directly or indirectly, to any
31 officer or stockholder of a corporation having the lawful use or control
32 of the vehicle.

33 3. Notwithstanding the provisions of subsection 2, the lien provided
34 by NRS 706.476 is enforceable as to any equity which may remain in the
35 vehicle subject to the lien after the encumbrance of any security interest
36 has been removed by repossession and sale of the vehicle by the secured
37 party, but no such sale, either public or private, may be made unless the
38 secured party has, by registered or certified mail, at least 5 days before
39 the date set for sale, served notice upon the authority of the time and
40 place of the sale. The authority shall notify the secured party, if the name
41 of the secured party is known to the authority, at the time the lien
42 attaches to any vehicle, or as soon thereafter as the authority learns that
43 the lien has attached.

1 **4. The lien remains on the vehicle in accordance with this section**
2 **regardless of the physical possession of the vehicle.**

3 **Sec. 26. 1. The board of county commissioners of any county in**
4 **which there is in effect an order for the allocation of taxicabs from the**
5 **authority, and the governing body of each city within any such county,**
6 **shall deposit with the state treasurer to the credit of the transportation**
7 **services authority regulatory fund all the tax revenue which is received**
8 **from a taxicab business operating in the county and city, respectively.**

9 **2. For the purposes of subsection 1, the tax revenue of a county does**
10 **not include any amount which represents a payment for the use of county**
11 **facilities or property.**

12 **3. Any certificate holder to whom a certificate of public convenience**
13 **and necessity has been issued for the operation of a taxicab business**
14 **shall pay to the authority a fee set by the authority that must not exceed**
15 **20 cents per trip for each compensable trip of each of those taxicabs,**
16 **which may be added to the meter charge. The money so received by the**
17 **authority must be paid to the state treasurer for deposit in the state**
18 **treasury to the credit of the transportation services authority regulatory**
19 **fund.**

20 **Sec. 27. An applicant for a driver's permit pursuant to NRS**
21 **706.8841 must include his social security number with his application for**
22 **the initial issuance or renewal of a driver's permit. The authority shall**
23 **keep the social security number of each applicant and licensee in the**
24 **record for the applicant or permittee, as appropriate.**

25 **Sec. 28. 1. A person who applies for the issuance or renewal of a**
26 **driver's permit pursuant to NRS 706.8841 shall submit to the authority**
27 **the statement prescribed by the welfare division of the department of**
28 **human resources pursuant to NRS 425.520. The statement must be**
29 **completed and signed by the applicant.**

30 **2. The authority shall include the statement required pursuant to**
31 **subsection 1 in:**

32 **(a) The application or any other forms that must be submitted for the**
33 **issuance or renewal of the license; or**

34 **(b) A separate form prescribed by the authority.**

35 **3. A driver's permit may not be issued or renewed by the authority if**
36 **the applicant:**

37 **(a) Fails to submit the statement required by subsection 1; or**

38 **(b) Indicates on the statement submitted pursuant to subsection 1 that**
39 **he is subject to a court order for the support of a child and is not in**

40 **compliance with the order or a plan approved by the district attorney or**
41 **other public agency enforcing the order for the repayment of the amount**
42 **owed pursuant to the order.**

1 **4. If a person's driver's permit has been suspended or revoked**
2 **pursuant to this chapter, the authority may not reinstate the permit if the**
3 **person:**

4 **(a) Fails to submit the statement required by subsection 1; or**
5 **(b) Indicates on the statement submitted pursuant to subsection 1 that**
6 **he is subject to a court order for the support of a child and is not in**
7 **compliance with the order or a plan approved by the district attorney or**
8 **other public agency enforcing the order for the repayment of the amount**
9 **owed pursuant to the order.**

10 **5. If the applicant indicates on the statement submitted pursuant to**
11 **subsection 1 that he is subject to a court order for the support of a child**
12 **and is not in compliance with the order or a plan approved by the district**
13 **attorney or other public agency enforcing the order for the repayment of**
14 **the amount owed pursuant to the order, the authority shall advise the**
15 **applicant to contact the district attorney or other public agency enforcing**
16 **the order to determine the actions that the applicant may take to satisfy**
17 **the arrearage.**

18 **6. The authority shall keep each statement submitted by an applicant**
19 **pursuant to subsection 1 in the record of the applicant.**

20 **Sec. 29. 1. If the authority receives a copy of a court order issued**
21 **pursuant to NRS 425.540 that provides for the suspension of all**
22 **professional, occupational and recreational licenses, certificates and**
23 **permits issued to a person who is the holder of a driver's permit, the**
24 **authority shall deem the driver's permit issued to that person to be**
25 **suspended at the end of the 30th day after the date on which the court**
26 **order was issued unless the authority receives a letter issued to the holder**
27 **of the license by the district attorney or other public agency pursuant to**
28 **NRS 425.550 stating that the holder of the license has complied with the**
29 **subpoena or warrant or has satisfied the arrearage pursuant to NRS**
30 **425.560.**

31 **2. The authority shall reinstate a driver's permit that has been**
32 **suspended by a district court pursuant to NRS 425.540 if the authority**
33 **receives a letter issued by the district attorney or other public agency**
34 **pursuant to NRS 425.550 to the person whose permit was suspended**
35 **stating that the person whose permit was suspended has complied with**
36 **the subpoena or warrant, or has satisfied the arrearage pursuant to NRS**
37 **425.560.**

38 **Sec. 30. All regulations, practices and service prescribed by the**
39 **authority must be enforced and are prima facie reasonable unless**
40 **suspended or found otherwise in an action brought for that purpose, or**
41 **until changed or modified by the authority itself upon satisfactory**
42 **showing**

made.

1 **Sec. 31. 1.** *Any owner, manager or employee of, or any holder of a*
2 *business license for, a licensed establishment shall not offer*
3 *remuneration of any kind, including, without limitation, cash or services,*
4 *to the owner, agent or driver of a taxicab, limousine or other common*
5 *motor carrier, for the solicitation or recommendation of patronage of the*
6 *licensed establishment.*

7 2. *A person who violates the provisions of subsection 1:*

8 (a) *For a first violation, is guilty of a misdemeanor and shall be*
9 *punished by a fine of not less than \$500 and not more than \$1,000, or by*
10 *imprisonment in the county jail for not more than 6 months, or by both a*
11 *fine and imprisonment.*

12 (b) *For a second violation, is guilty of a gross misdemeanor and shall*
13 *be punished by a fine of not less than \$1,000 and not more than \$5,000,*
14 *or by imprisonment in the county jail for not more than 1 year, or by*
15 *both a fine and imprisonment.*

16 (c) *For a third or subsequent violation, is guilty of a gross*
17 *misdemeanor and shall be punished by:*

18 (1) *A fine of not less than \$5,000 and not more than \$10,000, or by*
19 *imprisonment in the county jail for not more than 1 year, or by both a*
20 *fine and imprisonment; and*

21 (2) *Forfeiture, for not more than 6 months, of any business license*
22 *issued to the licensed establishment for which the solicitation or*
23 *recommendation for patronage was made, except that if the person who*
24 *violated the provisions of this section is only an employee of the licensed*
25 *establishment, the business licenses of the establishment are not subject*
26 *to forfeiture pursuant to this subparagraph unless the owner, manager or*
27 *holder of the business license knew or reasonably should have known*
28 *that the employee was acting in violation of the provisions of this section.*

29 3. *As used in this section, a "licensed establishment" includes:*

30 (a) *Any inn, hotel, motel or other establishment that provides lodging*
31 *to transient guests, except an establishment located within a building that*
32 *contains not more than five rooms for rent or hire and which is actually*
33 *occupied by the proprietor of the establishment as his residence;*

34 (b) *Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda*
35 *fountain, casino or any other facility where food or spirituous or malt*
36 *liquors are sold, including any such facility located on the premises of*
37 *any retail establishment; and*

38 (c) *Any dance hall, cabaret or night club.*

39 **Sec. 32.** *NRS 706.011 is hereby amended to read as follows:*

40 706.011 *As used in NRS 706.013 to 706.791, inclusive, and sections 2*
41 *to 31, inclusive, of this act, and NRS 706.881 to 706.8849, inclusive,*

42 *unless the context otherwise requires, the words and terms defined in NRS*

1 706.013 to 706.146, inclusive, *and sections 2 to 9, inclusive, of this act*
2 have the meanings ascribed to them in those sections.

3 **Sec. 33.** NRS 706.036 is hereby amended to read as follows:

4 706.036 “Common motor carrier” means any person or operator who
5 holds himself out to the public as willing to transport by vehicle from place
6 to place, either upon fixed route or on-call operations, passengers or
7 property, including a common motor carrier of passengers, a common
8 motor carrier of property, and a taxicab . ~~motor carrier.~~

9 **Sec. 34.** NRS 706.041 is hereby amended to read as follows:

10 706.041 “Common motor carrier of passengers” means any person or
11 operator ~~including a taxicab motor carrier,~~ who holds himself out to the
12 public as willing to transport by vehicle , *including a taxicab*, from place
13 to place, either upon fixed route or on-call operations, passengers or
14 passengers and light express for all who may choose to employ him.

15 **Sec. 35.** NRS 706.101 is hereby amended to read as follows:

16 706.101 “Operator” means a person, other than a lienholder, having a
17 property interest in or title to a vehicle. ~~Except as otherwise provided in~~
18 ~~this section, the term includes a person entitled to the use and possession of~~
19 ~~a vehicle under a lease or contract for the purpose of transporting persons~~
20 ~~or property. The term does not include a person who is the lessee of a~~
21 ~~taxicab pursuant to NRS 706.473.~~

22 **Sec. 36.** NRS 706.124 is hereby amended to read as follows:

23 706.124 1. “Taxicab” means a *motor* vehicle which is not operated
24 over a fixed route, is designed or constructed to accommodate and transport
25 not more than six passengers, including the driver, and is:

26 ~~1.~~ (a) Fitted with a taximeter or has some other device, method or
27 system to indicate and determine the passenger fare ~~charged for the~~
28 ~~distance traveled;~~

29 ~~—2.~~ ;

30 (b) Used in the transportation of passengers ~~for light express, or both,~~
31 for which a charge or fee is received; or

32 ~~3.~~ (c) Operated in any service which is held out to the public as being
33 available for the transportation of passengers from place to place in the
34 State of Nevada.

35 2. *“Taxicab” does not include a motor vehicle of an employer who*
36 *operates the vehicle for the transportation of his employees, whether or*
37 *not the employees pay for the transportation.*

38 **Sec. 37.** NRS 706.151 is hereby amended to read as follows:

39 706.151 1. It is hereby declared to be the purpose and policy of the
40 legislature in enacting this chapter:

41 (a) ~~Except to the extent otherwise provided in NRS 706.881 to~~
42 ~~706.885, inclusive, to~~ *To* confer upon the authority the power and to make

43 it the duty of the authority to regulate ~~fully~~ regulated carriers, operators of

1 tow cars and brokers of regulated services to the extent provided in this
2 chapter and to confer upon the department the power to license all motor
3 carriers and to make it the duty of the department to enforce the provisions
4 of this chapter and the regulations adopted by the authority pursuant to it, to
5 relieve the undue burdens on the highways arising by reason of the use of
6 the highways by vehicles in a gainful occupation thereon.

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

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

15 (d) To encourage the establishment and maintenance of reasonable
16 charges for:

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

18 (2) Towing services performed without the prior consent of the owner
19 of the vehicle or the person authorized by the owner to operate the
20 vehicle,

21 without unjust discriminations against or undue preferences or advantages
22 being given to any motor carrier or applicant for a certificate of public
23 convenience and necessity.

24 (e) To discourage any practices which would tend to increase or create
25 competition that may be detrimental to the traveling and shipping public or
26 the motor carrier business 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. 38.** NRS 706.1511 is hereby amended to read as follows:

31 706.1511 1. The transportation services authority is hereby created.

32 2. The authority consists of three ~~members~~ **commissioners** appointed
33 by the governor. After the initial term each ~~member~~ **commissioner** shall
34 serve a term of 4 years.

35 3. The governor shall appoint to the authority ~~members~~
36 **commissioners** who have at least 2 years of experience in one or more of
37 the following fields:

38 (a) Accounting.

39 (b) Business administration.

40 (c) Economics.

41 (d) Administrative law.

42 (e) Transportation.

43 (f) Professional

engineering.

1 At least one but not more than two of the ~~{members}~~ *commissioners*
2 appointed must be residents of Clark County.

3 4. Not more than two of the ~~{members}~~ *commissioners* may be:

4 (a) Members of the same political party.

5 (b) From the same field of experience.

6 5. ~~{All of the members}~~ *Each commissioner* must be ~~{persons who are}~~
7 *a person who is* independent of the industries regulated by the authority.
8 No elected officer of this state or any political subdivision is eligible for
9 appointment.

10 6. ~~{The members of the authority}~~ *Each commissioner* shall give
11 ~~{their}~~ *his* entire time to the business of the authority and shall not pursue
12 any other business or vocation or hold any other office of profit.

13 7. Each ~~{member of the authority}~~ *commissioner* serves at the pleasure
14 of the governor.

15 **Sec. 39.** NRS 706.1512 is hereby amended to read as follows:

16 706.1512 1. The governor shall designate one of the ~~{members}~~
17 *commissioners* of the authority to be chairman. The chairman ~~{is the}~~
18 ~~executive officer of the authority and}~~ serves at the pleasure of the
19 governor.

20 2. ~~{The members of the authority are}~~ *Each commissioner is* in the
21 unclassified service of the state.

22 **Sec. 40.** NRS 706.1514 is hereby amended to read as follows:

23 706.1514 1. A majority of the ~~{members}~~ *commissioners* of the
24 authority may exercise all ~~{of}~~ the power and conduct the business of the
25 authority relating to common or contract carriers, taxicabs, and the
26 warehousing of household goods as provided in this chapter and chapter
27 712 of NRS.

28 2. Except as otherwise provided in this subsection, public hearings
29 must be conducted by one or more ~~{members}~~ *commissioners* of the
30 authority. An administrative proceeding conducted pursuant to subsection 2
31 of NRS 706.771 ~~{may}~~ *must* be conducted by ~~{a}~~ *an independent* hearing
32 officer designated by the chairman of the authority.

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

34 706.1515 1. Any common or contract carrier subject to the
35 jurisdiction of the authority that elects to maintain its books and records
36 outside the State of Nevada ~~{shall,}~~ *must*, in addition to any other
37 assessment and fees provided for by law, be assessed *in advance* by the
38 authority for an amount *which the authority reasonably estimates will be*
39 equal to *the amount that will be incurred for* travel expenses and the
40 excess of the out-of-state subsistence allowances over the in-state
41 subsistence allowances, as fixed by NRS 281.160, ~~{of members}~~ *by the*
42 *commissioners* of the authority and staff, for investigations, inspections
43 and audits required to be performed outside this state.

2. The ~~{assessments}~~ *actual amount of the assessment* provided for by this section must be determined by the authority upon the completion of each such investigation, inspection, audit or appearance. ~~{and are}~~ *If the actual amount of the assessment is less than the estimated amount of the assessment, the authority shall refund the difference to the affected carrier. If the actual amount of the assessment is greater than the estimated amount of the assessment paid by the affected carrier, the authority shall assess the affected carrier an amount that is equal to the difference between the estimated and actual assessment. The final assessment is* due within 30 days after receipt by the affected common or contract carrier of the notice of *the* 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 carrier at any time within the 30-day period.

Sec. 42. NRS 706.1516 is hereby amended to read as follows:

706.1516 1. The transportation services authority regulatory fund is hereby created as a special revenue fund. All money collected by the authority pursuant to law must be deposited in the state treasury for credit to the fund.

2. Money in the fund may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the authority.

(b) Participating in all proceedings relevant to the jurisdiction of the authority.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The salaries, travel expenses and subsistence allowances of the ~~{members}~~ *commissioners and employees* of the authority.

3. All claims against the fund must be paid as other claims against the state are paid.

4. The authority must furnish upon request a statement showing the balance remaining in the fund as of the close of the preceding fiscal year.

5. Any balance remaining in the fund at the end of a fiscal year must be carried forward to the next fiscal year.

Sec. 43. 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 the extent provided in this chapter, supervise and regulate:

(a) Every ~~{fully}~~ regulated carrier and broker of regulated services in this state in all matters directly related to those activities of the ~~{motor}~~

regulated carrier and broker actually necessary for the transportation of

1 persons or property, including the handling and storage of that property,
2 over and along the highways.

3 (b) Every operator of a tow car concerning the rates and charges
4 assessed for towing services performed without the prior consent of the
5 operator of the vehicle or the person authorized by the owner to operate the
6 vehicle and pursuant to the provisions of NRS 706.011 to 706.791,
7 inclusive ~~[-]~~, *and sections 2 to 31, inclusive, of this act, and NRS 706.881*
8 *to 706.8849, inclusive.*

9 2. Supervise and regulate the storage of household goods and effects in
10 warehouses and the operation and maintenance of such warehouses in
11 accordance with the provisions of this chapter and chapter 712 of NRS.

12 3. Enforce the standards of safety applicable to the employees,
13 equipment, facilities and operations of those common and contract carriers
14 subject to the authority or the department by:

15 (a) Providing training in safety;

16 (b) Reviewing and observing the programs or inspections of the carrier
17 relating to safety; and

18 (c) Conducting inspections relating to safety at the operating terminals
19 of the carrier.

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

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

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

27 (c) Classifications;

28 (d) Divisions;

29 (e) Allowances; and

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

35 These regulations ~~may~~ *must* not provide for collective agreements which
36 restrain any party from taking free and independent action.

37 ~~[5.—Review decisions of the taxicab authority appealed to the authority~~
38 ~~pursuant to NRS 706.8819.]~~

39 **Sec. 44.** NRS 706.167 is hereby amended to read as follows:

40 706.167 1. Each ~~fully~~ regulated carrier, operator of a tow car and
41 common or contract carrier regulated by the authority shall:

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

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

6 The regulations of the authority may not require an operator of a tow car to
7 keep accounts and report information concerning towing services other than
8 information that is necessary to permit the authority to enforce the
9 provisions of NRS 706.011 to 706.791, inclusive ~~H~~, *and sections 2 to 31,*
10 *inclusive, of this act, and NRS 706.881 to 706.8849, inclusive.*

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

15 3. A carrier may, with the permission of the authority, prepare the
16 reports required by this section for a year other than a calendar year that the
17 authority specifies and submit them not later than a date specified by the
18 authority in each year.

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

22 **Sec. 45.** NRS 706.169 is hereby amended to read as follows:

23 706.169 The department shall:

24 1. Regulate the activities of common and contract carriers of property
25 other than ~~fully~~ regulated carriers and operators of tow cars.

26 2. Regulate the licensing of private motor carriers of property used for
27 private commercial enterprises on any highway in this state.

28 **Sec. 46.** NRS 706.171 is hereby amended to read as follows:

29 706.171 1. The authority and the department may:

30 (a) Make necessary and reasonable regulations governing the
31 administration and enforcement of the provisions of this chapter for which
32 they are each responsible. *The regulations adopted by the authority or*
33 *department may include different provisions to allow for the differences*
34 *among the counties to which the provisions of this chapter apply. Upon*
35 *the request of the authority, local law enforcement agencies and the*
36 *Nevada highway patrol shall assist the authority in enforcing the*
37 *provisions of this chapter and the regulations adopted pursuant thereto.*

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

1 (c) Require such reports and the maintenance of such records as they
2 determine to be necessary for the administration and enforcement of this
3 chapter.

4 (d) Except as otherwise provided in this section, examine, at any time
5 during the business hours of the day, the books, papers and records of any
6 ~~fully~~ regulated carrier, and of any other common, contract or private
7 motor carrier doing business in this state to the extent necessary for their
8 respective duties. The authority and the department may examine in other
9 states or require by subpoena the production inside this state of such books,
10 papers and records as are not maintained in this state.

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

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

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

21 4. As used in this section, “personnel records” does not include:

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

33 **Sec. 47.** NRS 706.197 is hereby amended to read as follows:

34 706.197 1. The authority may collect fees for the filing of any official
35 document required by this chapter or by a regulation of the authority.

36 2. Filing fees ~~may~~ **must** not exceed:

37 (a) For applications, \$200.

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

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

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

43 **(e) For an amended application, the cost of publication.**

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. 48. NRS 706.246 is hereby amended to read as follows:

706.246 1. Except as otherwise provided in NRS 706.235:

~~1-1~~ (a) A common or contract motor carrier 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,~~ paragraph (b), only to the nearest place where repairs can safely be effected, and even that operation may be conducted only if it is less hazardous to the public than permitting the vehicle to remain on the highway.

~~1-2~~ (b) A common or contract motor carrier or private motor carrier shall not permit or require a driver to drive or tow, and a driver shall not drive or tow, any vehicle which:

~~1-a~~ (1) By reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown; and

~~1-b~~ (2) Has been declared "out of service" by an authorized employee of the authority or the department.

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

2. *The authority may adopt such regulations as are necessary to carry out a program for inspecting vehicles pursuant to this section.*

Sec. 49. NRS 706.282 is hereby amended to read as follows:

706.282 1. Each ~~fully~~ regulated carrier that advertises its services shall provide to the person who broadcasts, publishes, displays or distributes that advertisement the name, street address and telephone number of the natural person who requested the advertisement on behalf of the ~~fully~~ regulated carrier.

2. A person who broadcasts, publishes, displays or distributes the advertisement of a ~~fully~~ regulated carrier shall, within 3 days after he receives a written request from the authority, provide to the authority the name, street address and telephone number of the natural person who requested the advertisement if such information is readily available.

Sec. 50. NRS 706.285 is hereby amended to read as follows:

706.285 1. All advertising

by:

~~1. — A fully~~

~~(a)~~ A regulated carrier of intrastate commerce; and

~~(2.)~~ (b) An operator of a tow car,

must include the number of the certificate of public convenience and necessity or contract carrier's permit issued to him by the authority.

2. The provisions of this section do not apply to taxicabs which operate in a county whose population is 400,000 or more.

Sec. 51. NRS 706.2855 is hereby amended to read as follows:

706.2855 1. If the authority finds, after notice and hearing, that a person has violated NRS 706.285, the authority may, in addition to any penalty, punishment or disciplinary action authorized by this chapter, petition a court of competent jurisdiction for an injunction prohibiting the person from continuing to:

(a) Engage in advertising that violates the provisions of NRS 706.285; or

(b) Use any telephone number mentioned in such advertising for any purpose.

2. If the court finds that the respondent has engaged in advertising that is unlawful pursuant to NRS 706.285, the court shall:

(a) Enjoin him from continuing the advertising.

(b) Enjoin him from using the telephone number mentioned in the advertising for any purpose.

(c) Issue an order that requires the telephone number mentioned in the advertising to be disconnected.

(d) Forward a copy of the order to the appropriate provider of telephone service within 5 days after issuing the order.

(e) If the authority has revoked the certificate of public convenience and necessity of the respondent, cancel the local business licenses and permits relating to the operation of a taxicab that have been issued to the respondent.

3. As used in this section, "provider of telephone service" includes, but is not limited to:

(a) A public utility furnishing telephone service.

(b) A provider of cellular or other service to a telephone that is installed in a vehicle or is otherwise portable.

Sec. 52. NRS 706.286 is hereby amended to read as follows:

706.286 1. When a complaint is made against any ~~fully~~ regulated carrier or operator of a tow car by any person, that:

(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any ~~fully~~ regulated carrier or by any operator of a tow car 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 are in

any respect unreasonable or unjustly discriminatory;

1 (b) Any of the provisions of ~~[NRS 706.445 to 706.453, inclusive,]~~ *this*
2 *chapter* have been violated;

3 (c) Any regulation, measurement, practice or act directly relating to the
4 transportation of persons or property, including the handling and storage of
5 that property, is, in any respect, unreasonable, insufficient or unjustly
6 discriminatory; or

7 (d) Any service is inadequate,
8 the authority shall investigate the complaint. After receiving the complaint,
9 the authority shall give a copy of it to the carrier or operator of a tow car
10 against whom the complaint is made. Within a reasonable time thereafter,
11 the carrier or operator of a tow car shall provide the authority with its
12 written response to the complaint according to the regulations of the
13 authority.

14 2. If the authority determines that probable cause exists for the
15 complaint, it shall order a hearing thereof, give notice of the hearing and
16 conduct the hearing as it would any other hearing. *If the complaint has*
17 *been filed against a common motor carrier by another common motor*
18 *carrier and the authority does not find probable cause for the complaint,*
19 *the authority may recover from the complainant the cost of court*
20 *reporting and investigation, and other necessary expenses incurred by*
21 *the authority.*

22 3. No order affecting a rate, toll, charge, schedule, regulation,
23 measurement, practice or act complained of may be entered without a
24 formal hearing unless the hearing is dispensed with as provided in NRS
25 706.2865.

26 **Sec. 53.** NRS 706.2875 is hereby amended to read as follows:

27 706.2875 1. Any party is entitled to an order by the authority for the
28 appearance of witnesses or the production of books, papers and documents
29 containing material testimony.

30 2. Witnesses appearing upon the order of the authority are entitled to
31 the same fees and mileage as witnesses in civil actions in the courts of this
32 state ~~. [; and the fees and mileage must be paid out of the state treasury in~~
33 ~~the same manner as other claims against the state are paid.]~~ No fees or
34 mileage may be allowed *for a witness appearing pursuant to an order of*
35 *the authority* unless the chairman of the authority certifies the correctness
36 of the claim.

37 **Sec. 54.** NRS 706.2885 is hereby amended to read as follows:

38 706.2885 1. A certificate of public convenience and necessity, permit
39 or license issued in accordance with this chapter is not a franchise and may
40 be revoked.

41 2. The authority may at any time, for good cause shown, after
42 investigation and hearing and upon 5 days' written notice to the grantee,
43 suspend any certificate, permit or license issued *by the authority* in

1 accordance with ~~[the provisions of NRS 706.011 to 706.791, inclusive,]~~
2 *this chapter*, for a period not to exceed 60 days.

3 3. *The authority may at any time, for good cause shown and upon 5*
4 *days' written notice to a certificate holder or a holder of a driver's*
5 *permit, and after a hearing unless a hearing is waived by the certificate*
6 *holder or holder of the driver's permit, impose a penalty on the certificate*
7 *holder of not more than \$15,000 or on the holder of the driver's permit*
8 *of not more than \$500, or suspend the certificate or driver's permit*
9 *granted by the authority if the certificate holder or the holder of the*
10 *driver's permit:*

11 (a) *Has violated any provision of this chapter or any regulation*
12 *adopted by the authority pursuant thereto; or*

13 (b) *Has knowingly permitted or required his employee to violate any*
14 *provision of this chapter or any regulation adopted by the authority*
15 *pursuant thereto.*

16 *If a penalty is imposed on the certificate holder or holder of a driver's*
17 *permit pursuant to this section, the authority may require the holder to*
18 *pay the costs of the proceeding, including investigative costs and*
19 *attorney's fees.*

20 4. *Except as otherwise provided in this subsection, if a certificate*
21 *holder or holder of a driver's permit fails to appear at the time and place*
22 *stated in the notice for the hearing, the authority shall enter a finding of*
23 *default against the certificate holder or holder of the driver's permit.*
24 *Upon a finding of default, the authority may suspend or revoke the*
25 *certificate or driver's permit, as appropriate, of the person who failed to*
26 *appear and impose the penalties provided in this chapter. For good cause*
27 *shown, the authority may set aside a finding of default and proceed with*
28 *the hearing.*

29 5. Upon receipt of a written complaint or on its own motion, the
30 authority may, after investigation and hearing, revoke any certificate,
31 permit or license. If service of the notice required by subsection 2 cannot
32 be made or if the grantee relinquishes his interest in the certificate, permit
33 or license by so notifying the authority in writing, the authority may revoke
34 the certificate, permit or license without a hearing.

35 ~~[4.—The proceedings thereafter are governed by the provisions of~~
36 ~~chapter 233B of NRS.]~~

37 **Sec. 55.** NRS 706.291 is hereby amended to read as follows:

38 706.291 1. The authority shall require every ~~[fully]~~ regulated carrier
39 and every operator of a tow car, within such time and in such amounts as
40 the authority may designate, to file with the authority in a form required
41 and approved by the authority a liability insurance policy, or a certificate of
42 insurance in lieu thereof, or a bond of a surety company, or other surety, in

1 such reasonable sum as the authority may deem necessary to protect
2 adequately the interests of the public.

3 2. The department shall require every other common and contract
4 motor carrier and every private carrier, within such time and in such
5 amounts as the department may designate, to file with the department in a
6 form required and approved by the department a liability insurance policy,
7 or a certificate of insurance in lieu thereof, a bond of a surety company, or
8 other surety, in such reasonable sum as the department may deem necessary
9 to protect adequately the interests of the public. In determining the amount
10 of liability insurance or other surety required of a carrier pursuant to this
11 subsection, the department shall create a separate category for vehicles with
12 a manufacturer's gross vehicle weight rating of less than 26,000 pounds and
13 impose a lesser requirement with respect to such vehicles.

14 3. The liability insurance policy or certificate, policy or bond of a
15 surety company or other surety must bind the obligors thereunder to pay the
16 compensation for injuries to persons or for loss or damage to property
17 resulting from the negligent operation of the carrier.

18 4. The authority and the department may jointly prescribe by regulation
19 the respective amounts and forms required by subsections 1 and 2.

20 **Sec. 56.** NRS 706.3052 is hereby amended to read as follows:

21 706.3052 1. Except as otherwise provided in subsection 2, an
22 operator of a taxicab may operate under a program of self-insurance in
23 compliance with the provisions of NRS 706.3054 or 706.3056 in lieu of the
24 insurance against liability required by the regulations adopted pursuant to
25 NRS 706.305.

26 2. An operator of a taxicab shall not operate under a program of self-
27 insurance if any judgment recovered against him has not been paid in full.

28 ***3. An operator of a taxicab to whom the department has issued a***
29 ***certificate of self-insurance may self-insure the first \$50,000, combined***
30 ***single-limit, per accident, of the coverage required by the regulations***
31 ***adopted pursuant to NRS 706.305.***

32 **Sec. 57.** NRS 706.321 is hereby amended to read as follows:

33 706.321 1. Except as otherwise provided in subsection 2, every
34 common or contract motor carrier shall file with the authority:

35 (a) Within a time to be fixed by the authority, schedules and tariffs that
36 must:

37 (1) Be open to public inspection; and

38 (2) Include all rates, fares and charges which the carrier has
39 established and which are in force at the time of filing for any service
40 performed in connection therewith by any carrier controlled and operated
41 by it.

42 (b) As a part of that schedule, all regulations of the carrier that in any
43 manner affect the rates or fares charged or to be charged for any service

1 and all regulations of the carrier that the carrier has adopted to comply with
2 the provisions of NRS 706.011 to 706.791, inclusive ~~1~~, *and sections 2 to*
3 *31, inclusive, of this act, and NRS 706.881 to 706.8849, inclusive.*

4 2. Every operator of a tow car shall file with the authority:

5 (a) Within a time to be fixed by the authority, schedules and tariffs that
6 must:

7 (1) Be open to public inspection; and

8 (2) Include all rates and charges for towing services performed
9 without the prior consent of the owner of the vehicle or the person
10 authorized by the owner to operate the vehicle which the operator has
11 established and which are in force at the time of filing.

12 (b) As a part of that schedule, all regulations of the operator of the tow
13 car which in any manner affect the rates charged or to be charged for
14 towing services performed without the prior consent of the owner of the
15 vehicle or the person authorized by the owner to operate the vehicle and all
16 regulations of the operator of the tow car that the operator has adopted to
17 comply with the provisions of NRS 706.011 to 706.791, inclusive ~~1~~, *and*
18 *sections 2 to 31, inclusive, of this act, and NRS 706.881 to 706.8849,*
19 *inclusive.*

20 3. No changes may be made in any schedule, including schedules of
21 joint rates, or in the regulations affecting any rates or charges, except upon
22 ~~30~~ 60 days' notice to the authority, and all those changes must be plainly
23 indicated on any new schedules filed in lieu thereof ~~30~~ 60 days before the
24 time they are to take effect. The authority, upon application of any carrier,
25 may prescribe a shorter time within which changes may be made. The ~~30~~
26 60 days' notice is not applicable when the carrier gives written notice to the
27 authority 10 days before the effective date of its participation in a tariff
28 bureau's rates and tariffs, provided the rates and tariffs have been
29 previously filed with and approved by the authority.

30 4. The authority may at any time, upon its own motion, investigate any
31 of the rates, fares, charges, regulations, practices and services filed pursuant
32 to this section and, after hearing, by order, make such changes as may be
33 just and reasonable.

34 5. The authority may dispense with the hearing on any change
35 requested in rates, fares, charges, regulations, practices or service filed
36 pursuant to this section.

37 6. All rates, fares, charges, classifications and joint rates, regulations,
38 practices and services fixed by the authority are in force, and are prima
39 facie lawful, from the date of the order until changed or modified by the
40 authority. ~~1, or pursuant to NRS 706.2883.~~

41 ~~7. All regulations, practices and service prescribed by the authority~~
42 ~~must be enforced and are prima facie reasonable unless suspended or found~~

~~otherwise in an action brought for the purpose, or until changed or modified by the authority itself upon satisfactory showing made.]~~

Sec. 58. NRS 706.351 is hereby amended to read as follows:

706.351 1. It is unlawful for:

(a) A ~~fully~~ regulated carrier to furnish any pass, frank, free or reduced rates for transportation to any state, city, district, county or municipal officer of this state or to any person other than those specifically enumerated in this section.

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

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

3. This chapter does not prohibit a ~~fully~~ regulated common carrier from giving free or reduced rates for transportation of persons to:

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

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

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

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

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

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

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

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

(i) Students of institutions of learning.

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

4. This section does not prohibit common motor carriers from giving free or reduced rates for the transportation of property of:

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

4 (b) Witnesses attending any legal investigations in which such carriers
5 are interested.

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

7 (d) Charitable organizations providing food and items for personal
8 hygiene to needy persons or to other charitable organizations within this
9 state.

10 5. This section does not prohibit the authority from establishing
11 reduced rates, fares or charges for specified routes or schedules of any
12 common motor carrier providing transit service if the reduced rates, fares
13 or charges are determined by the authority to be in the public interest.

14 6. Only ~~{fully-regulated-common}~~ **regulated** carriers may provide free
15 or reduced rates for the transportation of passengers or household goods,
16 pursuant to the provisions of this section.

17 7. As used in this section, “employees” includes:

18 (a) Furloughed, pensioned and superannuated employees.

19 (b) Persons who have become disabled or infirm in the service of such
20 carriers.

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

22 **Sec. 59.** NRS 706.386 is hereby amended to read as follows:

23 706.386 **1.** It is unlawful, except as otherwise provided in NRS
24 373.117, 706.446, 706.453 and 706.745, for any ~~{fully-regulated-common~~
25 ~~motor}~~ **regulated** carrier to operate as a carrier of intrastate commerce and
26 any operator of a tow car to perform towing services within this state
27 without first obtaining a certificate of public convenience and necessity **or**
28 **contract carrier’s permit, as appropriate,** from the authority.

29 **2. It is unlawful to operate a taxicab from place to place wholly**
30 **within this state, or partially within this state if the partial operation**
31 **consists of picking up passengers within this state, without first obtaining**
32 **a certificate of public convenience and necessity from the authority.**

33 **Sec. 60.** NRS 706.391 is hereby amended to read as follows:

34 706.391 **1.** Upon the filing of an application for a certificate of public
35 convenience and necessity to operate as a motor carrier other than an
36 operator of a tow car, the authority shall fix a time and place for hearing
37 thereon.

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

39 (a) The applicant is fit, willing and able to perform the services of a
40 common motor carrier;

41 (b) The proposed operation will be consistent with the legislative
42 policies set forth in NRS

706.151;

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

4 (d) The proposed service will benefit the traveling and shipping public
5 and the motor carrier business in this state.

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

10 4. An applicant for such a certificate has the burden of proving to the
11 authority that the proposed operation will meet the requirements of
12 subsection 2.

13 5. The authority may issue a certificate of public convenience and
14 necessity to operate as a common motor carrier, or issue it for:

15 (a) The exercise of the privilege sought.

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

17 6. The authority may attach to the certificate such terms and conditions
18 as, in its judgment, the public interest may require.

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

23 **8. An applicant must submit a nonrefundable application fee of \$200**
24 **with his application. The authority may, at the time that the application is**
25 **submitted or at anytime thereafter, assess the applicant for the estimated**
26 **costs which the authority reasonably anticipates to incur in conducting**
27 **an investigation or hearing, or both, regarding the application. Upon the**
28 **completion of the investigation or hearing, whichever occurs later, the**
29 **authority shall calculate the actual amount of the assessment based on**
30 **the actual costs incurred in conducting the investigation or hearing, or**
31 **both. If the actual amount of the assessment is less than the estimated**
32 **assessment paid by the applicant, the authority shall refund the**
33 **difference between the actual assessment and the estimated assessment to**
34 **the applicant. If the actual amount of the assessment is greater than the**
35 **estimated amount of the assessment paid by the applicant, the authority**
36 **shall assess the applicant an amount that is equal to the difference**
37 **between the estimated and actual assessment.**

38 **9. An applicant may not appear before the authority on a new**
39 **application or have a hearing held until all costs and all previous fines, if**
40 **any, imposed or assessed on the applicant by the authority have been**
41 **paid in full.**

1 **Sec. 61.** NRS 706.453 is hereby amended to read as follows:
2 706.453 The provisions of NRS 706.445 to ~~706.451,~~ **706.449,**
3 inclusive, do not apply to automobile wreckers who are licensed pursuant
4 to chapter 487 of NRS.

5 **Sec. 62.** NRS 706.461 is hereby amended to read as follows:
6 706.461 When:

7 1. A complaint has been filed with the authority alleging that any
8 vehicle is being operated without a certificate of public convenience and
9 necessity or contract carrier's permit as required by NRS 706.011 to
10 706.791, inclusive ~~and~~, **and sections 2 to 31, inclusive, of this act, and**
11 **NRS 706.881 to 706.8849, inclusive;** or

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

13 (a) Person is advertising to provide:

14 (1) The services of a ~~fully~~ regulated carrier in intrastate commerce;
15 or

16 (2) Towing services,
17 without including the number of his certificate of public convenience and
18 necessity or permit in each advertisement; or

19 (b) Provision of NRS 706.011 to 706.791, inclusive, **and sections 2 to**
20 **31, inclusive, of this act, and NRS 706.881 to 706.8849, inclusive,** is
21 being violated,

22 the authority shall investigate the operations or advertising and may, after a
23 hearing, order the owner or operator of the vehicle or the person
24 advertising to cease and desist from any operation or advertising in
25 violation of NRS 706.011 to 706.791, inclusive ~~and~~, **and sections 2 to 31,**
26 **inclusive, of this act, and NRS 706.881 to 706.8849, inclusive.** The
27 authority shall enforce compliance with the order pursuant to the powers
28 vested in the authority by NRS 706.011 to 706.791, inclusive, **and sections**
29 **2 to 31, inclusive, of this act, and NRS 706.881 to 706.8849, inclusive,** or
30 by other law.

31 **Sec. 63.** NRS 706.476 is hereby amended to read as follows:

32 706.476 1. A vehicle used as a taxicab, limousine or other passenger
33 vehicle in passenger service **, or used as a tow car or to transport**
34 **household goods,** must be impounded by the authority if a certificate of
35 public convenience and necessity has not been issued authorizing its
36 operation. A hearing must be held by the authority ~~no~~ **not** later than the
37 conclusion of the second normal business day after impoundment,
38 weekends and holidays excluded. As soon as practicable after
39 impoundment, the authority shall notify the registered owner of the vehicle
40 ~~and~~ **and each person other than the registered owner, if any, listed on the**
41 **title** **of** **the** **vehicle:**

1 (a) That the registered owner of the vehicle *or a person listed on the*
2 *title, or both*, must post a bond in the amount of \$20,000 to ensure his
3 presence at all proceedings held pursuant to this section;

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

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

7 2. The authority shall hold the vehicle until ~~{the registered owner of the~~
8 ~~vehicle}~~ *a person* appears and:

9 (a) Proves that he is the registered owner of the vehicle ~~{}~~ *or a person*
10 *listed on the title of the vehicle;*

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

13 (c) Proves that the vehicle meets all required standards of the authority;
14 and

15 (d) Posts a bond in the amount of \$20,000 with the administrator.

16 The authority shall return the vehicle to its registered owner *or a person*
17 *listed on the title of the vehicle, as appropriate*, when the owner *or person*
18 meets the requirements of this subsection and pays all costs of
19 impoundment.

20 3. If the registered owner *or person listed on the title of the vehicle, or*
21 *both*, is unable to meet the requirements of paragraph (b) or (c) of
22 subsection 2, the authority may assess an administrative fine against the
23 registered owner *or person, or both, as appropriate*, for each such
24 violation in the amount of \$5,000. The maximum amount of the
25 administrative fine that may be assessed against a registered owner *or*
26 *person listed on the title, or both*, for a single impoundment of his vehicle
27 pursuant to this section is \$10,000. The authority shall return the vehicle *to*
28 *the registered owner or person listed on the title, as appropriate*, after any
29 administrative fine imposed pursuant to this subsection and all costs of
30 impoundment have been paid.

31 *4. The authority has a lien on any vehicle impounded pursuant to*
32 *this section.*

33 **Sec. 64.** NRS 706.566 is hereby amended to read as follows:

34 706.566 The department *or authority* may, in its discretion, where a
35 fee or other amount provided for in ~~{NRS 706.011 to 706.861, inclusive,}~~
36 *this chapter* remains unpaid for more than 15 days and the person liable for
37 it neglects or refuses to pay it for any reason, direct that a civil action be
38 commenced by the attorney general in a court of competent jurisdiction in
39 the proper county for the recovery of the fee or other amount.

40 **Sec. 65.** NRS 706.576 is hereby amended to read as follows:

41 706.576 1. No injunction, writ of mandate or other legal or equitable
42 process ~~{shall}~~ *may* issue in any suit, action or proceeding in any court
43 against this state or any officer thereof to prevent or enjoin the collection

1 ~~{under NRS 706.011 to 706.861, inclusive,}~~ *pursuant to this chapter* of
2 any fee or other amount required to be collected.

3 2. After payment of any such fee or other amount under protest, duly
4 verified and setting forth the grounds of objection to the legality thereof,
5 filed with the department *or authority* at the time of payment of the fee or
6 other amount protested, the person making the payment may bring an
7 action against the state treasurer in the district court in and for Carson City
8 for the recovery of the amount so paid under protest.

9 **Sec. 66.** NRS 706.596 is hereby amended to read as follows:

10 706.596 In any action under NRS 706.566, a verified claim by the
11 department *or authority* showing the delinquency ~~{shall be}~~ *is* prima facie
12 evidence of the amount of ~~{such obligation, of such}~~ *the obligation and the*
13 delinquency, and of compliance by the department *or authority* with all
14 provisions of this chapter relating to ~~{such}~~ *the* obligation.

15 **Sec. 67.** NRS 706.736 is hereby amended to read as follows:

16 706.736 1. Except as otherwise provided in subsection 2, the
17 provisions of NRS 706.011 to 706.791, inclusive, *and sections 2 to 31,*
18 *inclusive, of this act, and NRS 706.881 to 706.8849, inclusive,* do not
19 apply to:

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

22 (b) Any person engaged in transporting his own personal effects in his
23 own vehicle, but the provisions of this subsection do not apply to any
24 person engaged in transportation by vehicle of property sold or to be sold,
25 or used by him in the furtherance of any commercial enterprise other than
26 as provided in paragraph (d), or to the carriage of any property for
27 compensation.

28 (c) Special mobile equipment.

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

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

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

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

41 (a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and
42 NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

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

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

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate 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. 68. 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,~~ *this chapter* 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,~~ *this chapter* or by the authority or the department pursuant to the provisions of ~~NRS 706.011 to 706.861, inclusive;~~ *this chapter;*

(c) Violates, or procures, aids or abets the violating of, any provision of ~~NRS 706.011 to 706.861, inclusive;~~ *this chapter;*

(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 as a common or contract carrier in violation of any of the provisions of ~~NRS 706.011 to 706.861, inclusive;~~

~~—(g) Advertises~~ *this chapter;*

(g) Except as otherwise provided in NRS 706.285, advertises as providing:

(1) The services of a ~~fully~~ regulated carrier; or

- 1 (2) Towing services,
2 without including the number of his certificate of public convenience and
3 necessity or contract carrier's permit in each advertisement;
- 4 (h) Knowingly offers, gives, solicits or accepts any rebate, concession or
5 discrimination in violation of the provisions of this chapter;
- 6 (i) Knowingly, willfully and fraudulently seeks to evade or defeat the
7 purposes of this chapter;
- 8 (j) Operates or causes to be operated a vehicle which does not have the
9 proper identifying device;
- 10 (k) Displays or causes or permits to be displayed a certificate, permit,
11 license or identifying device, knowing it to be fictitious or to have been
12 canceled, revoked, suspended or altered;
- 13 (l) Lends or knowingly permits the use of by one not entitled thereto any
14 certificate, permit, license or identifying device issued to the person so
15 lending or permitting the use thereof; ~~or~~
- 16 (m) *Knowingly makes or causes to be made, either directly or*
17 *indirectly, a false statement on an application, account or other*
18 *statement required by the authority; or*
- 19 (n) Refuses or fails to surrender to the authority or department any
20 certificate, permit, license or identifying device which has been suspended,
21 canceled or revoked pursuant to the provisions of this chapter,
22 is guilty of a **gross** misdemeanor, and upon conviction thereof shall be
23 punished by a fine of not less than \$100 ~~nor~~ **and not** more than ~~[\$1,000,]~~
24 **\$2,000**, or by imprisonment in the county jail for not more than ~~[6 months,]~~
25 **1 year**, or by both fine and imprisonment.
- 26 2. A person convicted of a **gross** misdemeanor for a violation of the
27 provisions of NRS 706.386 or 706.421 shall be punished:
- 28 (a) For the first offense by a fine of not less than \$500 ~~nor~~ **and not**
29 more than ~~[\$1,000,]~~ **\$2,000**;
- 30 (b) For a second offense within 12 consecutive months and each
31 subsequent offense by a fine of ~~[\$1,000,]~~ **\$2,000**; or
- 32 (c) For any offense, by imprisonment in the county jail for not more than
33 ~~[6 months,]~~ **1 year**, or by both the prescribed fine and imprisonment.
- 34 3. Any person who operates or permits the operation of a vehicle in
35 passenger service without a certificate of public convenience and necessity
36 issued pursuant to NRS 706.391 is guilty of a gross misdemeanor. If a law
37 enforcement officer witnesses a violation of this subsection, he may cause
38 the vehicle to be towed immediately from the scene.
- 39 4. *The conviction of a person pursuant to this section does not bar*
40 *the authority from suspending or revoking any certificate, permit or*
41 *license of the person convicted. The imposition of a fine or the*
42 *suspension or revocation of any certificate, permit or license by the*

1 *authority does not operate as a defense in any proceeding brought*
2 *against the person by the authority pursuant to this chapter.*

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

5 ~~5.]~~ 6. Any bail allowed must not be less than the appropriate fine
6 provided for by this section.

7 **Sec. 69.** NRS 706.761 is hereby amended to read as follows:

8 706.761 1. Any ~~[agent or person in charge of the books, accounts,~~
9 ~~records, minutes or papers of any private, common or contract motor~~
10 ~~carrier or broker of any of these services]~~ *certificate holder, operator or*
11 *holder of a driver's permit* who refuses or fails for a period of 30 days to
12 furnish the authority or department with any report required by ~~[either]~~ *the*
13 *authority or department*, or who fails or refuses to permit any person
14 authorized by the authority or department to inspect such books, accounts,
15 records, minutes or papers on behalf of the authority or department , *or*
16 *otherwise interferes or impedes with such an inspection*, is liable to *pay* a
17 penalty ~~[in a sum]~~ of not less than ~~[\$300 nor more than \$500.]~~ *\$1,000*. The
18 penalty may be recovered in a civil action upon the complaint of the
19 authority or department in any court of competent jurisdiction.

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

22 3. *If, after a hearing, the authority finds that a person to whom a*
23 *certificate, permit or license has been granted has refused or failed to*
24 *produce a record or allow an inspection in violation of this section, the*
25 *authority may, upon 5 days' written notice, suspend the certificate,*
26 *permit or license.*

27 **Sec. 70.** NRS 706.766 is hereby amended to read as follows:

28 706.766 1. It is unlawful for any ~~[fully]~~ regulated carrier or operator
29 of a tow car to charge, demand, collect or receive a greater or less
30 compensation for any service performed by it within this state or for any
31 service in connection therewith than is specified in its fare, rates, joint
32 rates, charges or rules and regulations on file with the authority, or to
33 demand, collect or receive any fare, rate or charge not specified. The rates,
34 tolls and charges named therein are the lawful rates, tolls and charges until
35 they are changed as provided in this chapter.

36 2. It is unlawful for any ~~[fully]~~ regulated carrier or operator of a tow
37 car to grant any rebate, concession or special privilege to any person which,
38 directly or indirectly, has or may have the effect of changing the rates, tolls,
39 charges or payments.

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

1 **Sec. 71.** NRS 706.881 is hereby amended to read as follows:

2 706.881 ~~{1. NRS 706.8811 to 706.885,}~~ *The provisions of NRS*
3 *706.8819 to 706.8827,* inclusive, apply to any county ~~;~~

4 ~~—(a) Whose}~~ *whose* population is 400,000 or more . ~~;~~ ~~or~~

5 ~~—(b) For whom regulation by the taxicab authority is not required if its~~
6 ~~board of county commissioners has enacted an ordinance approving the~~
7 ~~inclusion of the county within the jurisdiction of the taxicab authority.~~

8 ~~—2. Upon receipt of a certified copy of such an ordinance from a county~~
9 ~~for whom regulation by the taxicab authority is not required, the taxicab~~
10 ~~authority shall exercise its regulatory authority pursuant to NRS 706.8811~~
11 ~~to 706.885, inclusive, within that county.~~

12 ~~—3. Within any such county, the provisions of this chapter which confer~~
13 ~~regulatory authority over taxicab motor carriers upon the transportation~~
14 ~~services authority do not apply.}~~

15 **Sec. 72.** NRS 706.8819 is hereby amended to read as follows:

16 706.8819 ~~{1. The taxicab}~~ *The* authority shall conduct hearings and
17 make final decisions in the following matters:

18 ~~{(a)}~~ *1.* Applications to adjust, alter or change the rates, charges or
19 fares for taxicab service;

20 ~~{(b)}~~ *2.* Applications for certificates of public convenience and
21 necessity to operate a taxicab service;

22 ~~{(c)}~~ *3.* Applications requesting authority to transfer any existing
23 interest in a certificate of public convenience and necessity or in a
24 corporation that holds a certificate of public convenience and necessity to
25 operate a taxicab business;

26 ~~{(d)}~~ *4.* Applications to change the total number of allocated taxicabs
27 in a county to which NRS 706.881 to ~~{706.885,}~~ *706.8827,* inclusive,
28 apply; and

29 ~~{(e)}~~ *5.* Appeals from final decisions of the ~~{administrator}~~ *chairman*
30 *or his designee* made pursuant to NRS 706.8822.

31 ~~{2. An appeal from the final decision of the taxicab authority must be~~
32 ~~made to the transportation services authority.}~~

33 **Sec. 73.** NRS 706.8822 is hereby amended to read as follows:

34 706.8822 The ~~{administrator}~~ *chairman or his designee* shall conduct
35 administrative hearings and make final decisions, subject to appeal by any
36 aggrieved party to the ~~{taxicab}~~ authority, in the following matters:

37 1. Any violation relating to the issuance of or transfer of license plates
38 for motor carriers required by either the ~~{taxicab}~~ authority or ~~{the~~
39 ~~department of motor vehicles and public safety;}~~ *department;*

40 2. Complaints against certificate holders;

41 3. Complaints against taxicab drivers;

1 4. Applications for, or suspension or revocation of, drivers' permits ;
2 ~~{which may be required by the administrator;}~~ and

3 5. Imposition of monetary penalties.

4 **Sec. 74.** NRS 706.88237 is hereby amended to read as follows:

5 706.88237 The ~~{taxicab}~~ authority may:

6 1. Determine the circumstances that require a temporary increase in the
7 number of taxicabs allocated pursuant to NRS 706.8824; and

8 2. Allocate a temporary increase in the number of taxicabs pursuant to
9 NRS 706.88245 when the circumstances require the increase.

10 **Sec. 75.** NRS 706.8824 is hereby amended to read as follows:

11 706.8824 1. In determining whether circumstances require the
12 establishment of a system of allocations or a change in existing allocations,
13 the ~~{taxicab}~~ authority shall consider the interests, welfare, convenience,
14 necessity and well-being of the customers of taxicabs.

15 2. Whenever circumstances require the establishment of a system of
16 allocations, the ~~{taxicab}~~ authority shall allocate the number of taxicabs
17 among the certificate holders in the county in a manner which reflects the
18 number of taxicabs operated by each certificate holder during the 5 years
19 immediately preceding the date of establishment of the ~~{taxicab}~~ authority
20 in the county.

21 3. Whenever circumstances require an increase in the existing
22 allocations, the ~~{taxicab}~~ authority shall allocate the additional taxicabs
23 equally among all the certificate holders who apply from the area to be
24 affected by the allocation.

25 4. Unless a certificate holder puts the additionally allocated taxicabs
26 into service within 30 days after the effective date of the increased
27 allocation, the increased allocation to that certificate holder is void.

28 5. The ~~{taxicab}~~ authority may attach to the exercise of the rights
29 granted by the allocation any terms and conditions which in its judgment
30 the public interest may require. The ~~{taxicab}~~ authority may limit:

31 (a) The geographical area from which service is offered or provided.

32 (b) The hours of service. Such a limitation must not reduce hours of
33 service to less than 12 consecutive hours in a 24-hour period.

34 If a limitation is placed on an allocation, taxicabs must be marked in a
35 distinctive manner that indicates the limitation.

36 6. The ~~{taxicab}~~ authority shall review annually:

37 (a) The existing allocation of taxicabs; and

38 (b) The rates, charges or fares of the certificate holders in its
39 jurisdiction.

40 **Sec. 76.** NRS 706.88245 is hereby amended to read as follows:

41 706.88245 1. In determining whether circumstances require a
42 temporary increase in the number of taxicabs allocated pursuant to NRS

1 706.8824, the ~~{taxicab}~~ authority shall consider the interests, welfare,
2 convenience, necessity and well-being of the customers of taxicabs.

3 2. Whenever circumstances require a temporary increase in the number
4 of taxicabs allocated pursuant to NRS 706.8824, the ~~{taxicab}~~ authority
5 shall allocate the temporary increase equally among the certificate holders
6 in the area to be affected by the allocation.

7 3. The ~~{taxicab}~~ authority shall determine:

8 (a) The number of additional taxicabs to be allocated;

9 (b) The hours of operation of the additional taxicabs; and

10 (c) The duration of the temporary allocation.

11 4. The ~~{taxicab}~~ authority may adopt regulations governing temporary
12 increases in the allocation of taxicabs pursuant to this section.

13 **Sec. 77.** NRS 706.8825 is hereby amended to read as follows:

14 706.8825 1. All fees collected pursuant to NRS 706.881 to
15 ~~{706.885,}~~ **706.8827**, inclusive, must be deposited with the state treasurer
16 to the credit of the taxicab ~~{authority}~~ fund, which is hereby created as a
17 special revenue fund. The transactions for each county **and city** subject to
18 those sections must be accounted for separately within the fund.

19 2. The interest and income earned on the money in the fund, after
20 deducting any applicable charges, must be credited to the fund.

21 3. The revenues received pursuant to subsection 1 of ~~{NRS 706.8826}~~
22 **section 26 of this act** are hereby appropriated to defray the cost of
23 regulating taxicabs in the county or the city, respectively, making the
24 deposit under that subsection.

25 4. The fees received pursuant to subsection 3 of ~~{NRS 706.8826,}~~
26 **section 26 of this act, and** NRS 706.8827, 706.8841 ~~{and 706.8848 to~~
27 ~~706.885, inclusive,}~~ **, 706.8848 and 706.8849 from any county subject to**
28 **NRS 706.881 to 706.8827, inclusive,** are hereby appropriated to defray the
29 cost of regulating taxicabs in ~~{the county in which the certificate holder~~
30 ~~operates a taxicab business.}~~ **those counties.**

31 5. Any balance remaining in the **taxicab** fund does not revert to the
32 state general fund. The ~~{administrator}~~ **authority** may transfer to the aging
33 services division of the department of human resources any balance over
34 \$200,000 and any interest earned on the fund, within the limits of
35 legislative authorization for each fiscal year, to subsidize transportation for
36 the elderly and the permanently handicapped in taxicabs. The money
37 transferred to the aging services division must be administered in
38 accordance with regulations adopted by the administrator of the aging
39 services division pursuant to NRS 427A.070.

40 6. The ~~{administrator}~~ **authority** may establish an account for petty
41 cash not to exceed ~~{\$1,000}~~ **\$2,500** for the support of undercover
42 investigation and, if the account is created, the administrator shall

1 reimburse the account from the taxicab ~~{authority}~~ fund in the same manner
2 as other claims against the state are paid.

3 **Sec. 78.** NRS 706.8827 is hereby amended to read as follows:

4 706.8827 1. A person shall not engage in the taxicab business unless
5 he ~~is~~:

6 ~~—(a) Holds}~~ *holds* a certificate of public convenience and necessity ~~{from~~
7 ~~the}~~ *which was issued by*:

8 *(a) The previously existing* public service commission of Nevada
9 ~~{issued}~~ before July 1, 1981, *and* which has not been transferred, revoked
10 or suspended by the *previously existing* taxicab authority ~~}; or~~

11 ~~—(b) Currently holds a certificate of public convenience and necessity~~
12 ~~from the taxicab}~~ *or the transportation services authority, or by operation*
13 *of law;*

14 *(b) The previously existing taxicab authority and which has not been*
15 *transferred, suspended or revoked by the previously existing taxicab*
16 *authority or the transportation services authority, or by operation of law;*
17 *or*

18 *(c) The transportation services* authority as provided in this section ~~};~~
19 *and which has not been suspended or revoked by the transportation*
20 *services authority or by operation of law.*

21 2. Upon the filing of an application for a certificate of public
22 convenience and necessity, the ~~{taxicab}~~ authority shall fix a time and place
23 for a hearing thereon. The ~~{taxicab}~~ authority shall issue the certificate if it
24 finds that:

25 (a) The applicant is fit, willing and able to perform the services of a
26 taxicab motor carrier;

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

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

32 (d) The holders of existing certificates will not meet the needs of the
33 territory for which the certificate is sought if the certificate is not granted;
34 and

35 (e) The proposed service will benefit the public and the taxicab business
36 in the territory to be served.

37 3. The applicant for a certificate has the burden of proving to the
38 ~~{taxicab}~~ authority that the proposed operation will meet the requirements
39 of subsection 2. The ~~{taxicab}~~ authority shall not find that the potential
40 creation of competition in a territory which may be caused by the granting
41 of a certificate, by itself, will unreasonably and adversely affect other
42 carriers operating in the territory for the purposes of paragraph (c) of
43 subsection

1 4. The applicant must submit an application fee of \$200, which must
2 not be refunded, with his application. The applicant must also pay those
3 amounts which are billed to him by the authority for reasonable costs
4 incurred by it in conducting an investigation or hearing regarding the
5 applicant.

6 5. The ~~{taxicab}~~ authority may attach to the exercise of the rights
7 granted by the certificate any terms and conditions which in its judgment
8 the public interest may require.

9 6. The ~~{taxicab}~~ authority may dispense with the hearing on the
10 application if, upon the expiration of the time fixed in the notice of the
11 hearing, no protest against the granting of the certificate has been filed by
12 or on behalf of any person.

13 7. Any person who has been denied a certificate of public convenience
14 and necessity after a hearing may not file a similar application with the
15 ~~{taxicab}~~ authority covering the same type of service and over the same
16 route or routes or in the same territory for which the certificate of public
17 convenience and necessity was denied except after the expiration of 180
18 days ~~{from}~~ after the date on which the certificate was denied.

19 **Sec. 79.** NRS 706.883 is hereby amended to read as follows:

20 706.883 1. A certificate holder shall maintain at his principal place of
21 business:

22 (a) A record of the make and serial number of each taxicab;

23 (b) A maintenance record for each taxicab; and

24 (c) A copy of the medical certificates of each of his drivers.

25 2. The records of a certificate holder ~~{shall}~~ must be open for
26 inspection by the ~~{administrator or the taxicab}~~ authority at any reasonable
27 time.

28 **Sec. 80.** NRS 706.8834 is hereby amended to read as follows:

29 706.8834 1. A certificate holder shall not permit a vehicle to be used
30 as a taxicab if it has been in operation as a taxicab for more than 4 model
31 years or 52 months, whichever period is longer.

32 2. Any vehicle which a certificate holder acquires for use as a taxicab
33 must:

34 (a) Be new; or

35 (b) Register not more than 30,000 miles on the odometer.

36 **3. The provisions of this section apply only in counties whose**
37 **population is 100,000 or more, except that the authority may, upon good**
38 **cause shown, exempt any city, town or other area specifically identified**
39 **by the authority which is located within such a county.**

40 **Sec. 81.** NRS 706.8836 is hereby amended to read as follows:

41 706.8836 1. A certificate holder shall equip each of his taxicabs with
42 a taximeter and shall make provisions when installing the taximeter to
43 allow sealing by the ~~{administrator;}~~ authority.

1 2. The ~~{administrator}~~ **authority** shall approve the types of taximeters
2 which may be used on a taxicab. All taximeters must conform to a 2-
3 percent plus or minus tolerance on the fare recording, must be equipped
4 with a signal device plainly visible from outside of the taxicab, must be
5 equipped with a device which records fares and is plainly visible to the
6 passenger and must register upon plainly visible counters the following
7 items:

- 8 (a) Total miles;
- 9 (b) Paid miles;
- 10 (c) Number of units;
- 11 (d) Number of trips; and
- 12 (e) Number of extra passengers or extra charges.

13 3. The ~~{administrator}~~ **authority** shall inspect each taximeter before its
14 use in a taxicab and shall, if the taximeter conforms to the standards
15 specified in subsection 2, seal the taximeter.

16 4. The ~~{administrator}~~ **authority** may reinspect the taximeter at any
17 reasonable time.

18 **Sec. 82.** NRS 706.8837 is hereby amended to read as follows:

19 706.8837 A certificate holder shall not permit a ~~{taxicab}~~ **vehicle** to be
20 operated in passenger service unless it meets all ~~{of}~~ the following
21 standards:

22 1. The steering mechanism is in good mechanical working order.

23 2. The vehicle does not have any apparent loose knuckles, bolts or gear
24 trains.

25 3. The door hinges and latches are in good mechanical working order
26 and all doors operate easily and close securely.

27 4. Interior or exterior advertising does not obscure the driver's view in
28 any direction.

29 5. The windows are clear and free from cracks or chips in excess of 3
30 inches in length and are composed of approved, nonshatterable safety glass.

31 6. The brakes are in good mechanical working order and when pressed
32 are not less than 1 3/4 inches from the floorboard.

33 7. The exhaust system, gaskets, tail pipes and mufflers are in good
34 condition and exhaust fumes do not penetrate the interior of the vehicle.

35 8. The vehicle is equipped with four adequate and safe tires. Recapped
36 tires may be used. Regrooved tires ~~{may}~~ **must** not be used.

37 9. The speedometer is properly installed, maintained in good working
38 order and exposed to view.

39 10. The interior of the vehicle is clean, free from torn upholstery and
40 from damaged or broken seats.

41 11. The headlights, taillights, stoplights and turn signals are in good
42 mechanical working

order.

12. The horn and two windshield wipers are in good mechanical working order.

13. ~~{The}~~ *If the vehicle is a taxicab, the* taximeter is working properly, is not disconnected and has its covers and gears intact.

14. An air pollution control system is functioning in accordance with federal, state and local laws which were applicable to the type of vehicle at the time of its manufacture.

Sec. 83. NRS 706.8839 is hereby amended to read as follows:

706.8839 1. The ~~{administrator}~~ *authority* may inspect a taxicab at any reasonable time.

2. If the ~~{administrator}~~ *authority* finds that a taxicab is in a condition which violates NRS 706.8837, ~~{he}~~ *the authority* shall remove the vehicle from service, shall place an out-of-service sticker on the windshield and shall notify the certificate holder of the defect. The vehicle ~~{shall}~~ *must* remain out of service until the defect has been remedied and the ~~{administrator}~~ *authority* upon reinspection has approved the vehicle and removed the out-of-service sticker.

3. If the ~~{administrator}~~ *authority* finds that a taxicab is in a condition which violates NRS 706.8838, ~~{he}~~ *the authority* shall notify the certificate holder of the improper condition and, after a reasonable time, shall reinspect the vehicle. If upon reinspection the violation has not been corrected, the vehicle ~~{shall}~~ *must* be removed from service until it is reinspected and approved, as provided in subsection 2.

Sec. 84. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The ~~{administrator}~~ *authority* shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab *or limousine* drivers. Before issuing a driver's permit, the ~~{administrator}~~ *authority* shall:

(a) Require the applicant to submit a set of his fingerprints, which must be forwarded to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

(1) Has been a resident of the state for 30 days *or more* before his application for a permit;

(2) Can read and orally communicate in the English language; and

(3) Has a valid license issued under NRS 483.325 which authorizes him to drive a taxicab *or limousine* in this state.

2. The ~~{administrator}~~ *authority* may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony, other than a felony for a sexual offense, in the State of Nevada or any other state, territory or nation within 5 years before the date of the application, or a felony involving any sexual offense at any time; or

(b) Driving under the influence of intoxicating beverages, dangerous drugs or controlled substances within 3 years before the date of the application.

3. The ~~{administrator,}~~ *authority* may refuse to issue a driver's permit if the ~~{administrator,}~~ *authority*, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab *or limousine* driver shall pay to the ~~{administrator,}~~ *authority*, in advance, ~~[\$20]~~ *\$40* for an original driver's permit and ~~[\$5]~~ *\$10* for a renewal.

5. The provisions of this section apply only in counties whose population is 100,000 or more, except that the authority may, upon good cause shown, exempt any city, town or other area specifically identified by the authority which is located within such a county.

Sec. 85. NRS 706.8843 is hereby amended to read as follows:

706.8843 1. A certificate holder shall not employ a driver unless the driver has obtained and has on his person:

(a) A valid driver's license for the State of Nevada obtained under the provisions of NRS 483.010 to 483.630, inclusive;

(b) A copy of a physician's certificate obtained pursuant to NRS 706.8842; and

(c) ~~{A}~~ *Where required, a* driver's permit issued by the ~~{administrator,}~~ *authority* pursuant to *the* rules and regulations of the ~~{taxicab}~~ authority.

2. A certificate holder shall, at the time he employs a driver, provide the driver with a complete copy of the *applicable* rules and regulations ~~{described in NRS 706.8844 to 706.8849, inclusive, and such other rules and regulations as may be}~~ adopted by the ~~{taxicab}~~ authority, and require the driver to sign a statement that he has received a copy of the regulations and has read and familiarized himself with the contents thereof.

Sec. 86. NRS 706.8844 is hereby amended to read as follows:

706.8844 1. A certificate holder shall require his drivers to keep a daily trip sheet in a form to be prescribed by the ~~{taxicab}~~ authority.

2. At the beginning of each period of duty the driver shall record on his trip sheet:

(a) His name and the number of his taxicab;

(b) The time at which he began his period of duty by means of a time clock provided by the certificate holder;

(c) The meter readings for total miles, paid miles, trips, units, extra passengers and extra charges; and

(d) The odometer reading of the taxicab.

3. During his period of duty the driver shall record on his trip sheet:

(a) The time, place of origin and destination of each trip; and

(b) The number of passengers and amount of fare for each trip.

1 4. At the end of each period of duty the driver shall record on his trip
2 sheet:

3 (a) The time at which he ended his period of duty by means of a time
4 clock provided by the certificate holder;

5 (b) The meter readings for total miles, paid miles, trips, units and extra
6 passengers; and

7 (c) The odometer reading of the taxicab.

8 5. A certificate holder shall furnish a trip sheet form for each taxicab
9 operated by a driver during his period of duty and shall require his drivers
10 to return their completed trip sheets at the end of each period of duty.

11 6. A certificate holder shall retain all trip sheets of all drivers in a safe
12 place for a period of 3 years immediately succeeding December 31 of the
13 year to which they respectively pertain and shall make such manifests
14 available for inspection by the ~~administrator~~ *authority* upon reasonable
15 demand.

16 7. Any driver who maintains a trip sheet in a form less complete than
17 that required by subsection 1 is guilty of a misdemeanor.

18 **Sec. 87.** NRS 706.8845 is hereby amended to read as follows:

19 706.8845 While a driver *of a vehicle transporting passengers that is*
20 *subject to the jurisdiction of the authority* is on duty, he shall:

21 1. Be appropriately dressed by the standards of the ~~taxicab business~~
22 *industry of transporting passengers*.

23 2. Be neat and clean in person and appearance.

24 3. Refrain from talking loudly, uttering profanity and from shouting to
25 other drivers.

26 4. Not have in his possession a lighted cigar, cigarette or pipe while a
27 passenger is being carried in his ~~taxicab~~ *vehicle*.

28 5. Not chew tobacco or use snuff while a passenger is being carried in
29 his ~~taxicab~~ *vehicle*.

30 6. Attend his ~~taxicab~~ *vehicle* if it is being held out for hire.

31 7. ~~Not~~ *If the driver is operating a taxicab*, permit his taxicab to
32 remain at a taxicab stand unless it is being held out for hire.

33 8. Discourage passengers from entering or leaving ~~a taxicab~~ *his*
34 *vehicle* from the left side except at the left curb of a one-way street or while
35 the ~~car~~ *vehicle* is parked perpendicularly to a curb.

36 9. Not load or unload passengers or luggage at an intersection or
37 crosswalk or at any place or in any manner that will interfere with the
38 orderly flow of traffic.

39 10. Not carry more than two passengers in the front seat of ~~the~~
40 ~~taxicab~~ *his vehicle* or carry more passengers in the back seat of the
41 ~~taxicab~~ *vehicle* than are authorized by the manufacturer's
42 recommendations.

11. Not leave his ~~{taxicab}~~ *vehicle* unattended with the key in the ignition lock.

12. Operate his ~~{taxicab}~~ *vehicle* in accordance with all applicable state and local laws and regulations and with due regard for the safety, comfort and convenience of passengers and of the general public.

Sec. 88. NRS 706.8846 is hereby amended to read as follows:

706.8846 With respect to a passenger's destination, a driver *of a vehicle transporting passengers that is subject to the jurisdiction of the authority* shall not ~~{H}~~, *either of his own will or at the direction of his employer:*

1. Deceive or attempt to deceive any passenger who rides or desires to ride in his ~~{taxicab}~~ *vehicle*.

2. Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

3. Take a longer route to the passenger's destination than is necessary, unless specifically requested so to do by the passenger.

4. Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

Sec. 89. NRS 706.8847 is hereby amended to read as follows:

706.8847 1. A driver *of a vehicle transporting passengers that is subject to the jurisdiction of the authority* shall not refuse or neglect to transport any orderly person to that person's destination if:

(a) That person requests the driver to transport him; and

(b) The requested destination is within the area allocated to the certificate holder who employs the driver.

2. Subsection 1 does not apply if the driver can show beyond a reasonable doubt that:

(a) He has good reason to fear for his personal safety;

(b) The ~~{taxicab}~~ *vehicle* has been previously engaged by another person; or

(c) He is forbidden by law or regulation to carry the person requesting transportation.

Sec. 90. NRS 706.8848 is hereby amended to read as follows:

706.8848 1. If a driver violates any provision of NRS 706.8844 to 706.8847, inclusive, the ~~{administrator}~~ *authority* may impose the following sanctions:

(a) First offense: Warning notice or a fine of not more than \$100, or both warning and fine.

(b) Second offense: 1 to 3 days' suspension of a driver's permit or a fine of not more than \$200, or both suspension and fine.

(c) Third offense: 4 to 6 days' suspension of a driver's permit or a fine of not more than \$300, or both suspension and fine.

1 (d) Fourth offense: 10 days' suspension of a driver's permit or a fine of
2 not more than \$500, or both suspension and fine.

3 (e) Fifth offense: Revocation of a driver's permit or a fine of not more
4 than \$500, or both revocation and fine.

5 2. Only violations occurring in the 12 months immediately preceding
6 the most current violation ~~[shall]~~ *may* be considered for the purposes of
7 subsection 1. The ~~[administrator]~~ *authority* shall inspect the driver's record
8 for that period to compute the number of offenses committed.

9 3. The ~~[administrator]~~ *authority* shall conduct a hearing ~~[prior to~~
10 ~~suspension or revocation of]~~ *before suspending or revoking* a driver's
11 permit or imposing a fine under this section or NRS 706.8849.

12 **Sec. 91.** NRS 706.8849 is hereby amended to read as follows:

13 706.8849 1. A taxicab driver shall:

14 (a) Ensure that the fare indicator on the taximeter of his taxicab reads
15 zero before the time that the taxicab is engaged.

16 (b) Ensure that the taximeter of his taxicab is engaged while the taxicab
17 is on hire.

18 (c) Not make any charge for the transportation of a passenger other than
19 the charge shown on the taximeter.

20 (d) Not alter, manipulate, tamper with or disconnect a sealed taximeter
21 or its attachments nor make any change in the mechanical condition of the
22 wheels, tires or gears of a taxicab with intent to cause false registration on
23 the taximeter of the passenger fare.

24 (e) Not remove or alter fare schedules which have been posted in his
25 taxicab by the certificate holder.

26 (f) Not permit any person or persons other than the person who has
27 engaged the taxicab to ride therein unless the person who has engaged the
28 taxicab requests that the other person or persons ride in the taxicab. If more
29 than one person is loaded by the taxicab driver as set forth in this
30 paragraph, the driver shall, when one of the persons leaves the taxicab,
31 charge that person the fare on the meter and reset the taximeter.

32 ~~[(g)]~~ *2. A driver of a vehicle transporting passengers that is subject*
33 *to the jurisdiction of the authority shall:*

34 (a) Not drive ~~[a taxicab]~~ *the vehicle* or go on duty while under the
35 influence of, or impaired by, any controlled substance, dangerous drug, or
36 intoxicating liquor or drink intoxicating liquor while on duty.

37 ~~[(h)]~~ (b) Not use or consume controlled substances or dangerous drugs
38 which impair a person's ability to operate a motor vehicle at any time, or
39 use or consume any other controlled substances or dangerous drugs at any
40 time except in accordance with a lawfully issued prescription.

41 ~~[(i)]~~ (c) Not operate ~~[a taxicab]~~ *the vehicle* without a valid driver's
42 permit issued pursuant to NRS 706.8841 and a valid driver's license issued
43 pursuant to NRS 483.325 in his possession.

1 ~~[(j)]~~ (d) Obey all provisions and restrictions of his employer's certificate
2 of public convenience and necessity.

3 ~~[(2)]~~ 3. If a driver violates any provision of subsection 1 ~~[(1)]~~ the
4 ~~administrator~~ or 2, the authority may, after a hearing, impose the
5 following sanctions:

6 (a) For a first offense, 1 to 5 days' suspension of a driver's permit or a
7 fine of not more than \$100, or both suspension and fine.

8 (b) For a second offense, 6 to 20 days' suspension of a driver's permit
9 or a fine of not more than \$300, or both suspension and fine.

10 (c) For a third offense, a fine of not more than \$500.

11 In addition to the other penalties set forth in this subsection, the
12 ~~administrator~~ authority may revoke a driver's permit for any violation of
13 a provision of paragraph ~~[(g)]~~ (a) of subsection ~~[(1)]~~
14 ~~[(3)]~~ 2.

15 4. Only violations occurring in the 12 months immediately preceding
16 the most current violation may be considered for the purposes of subsection
17 ~~[(2)]~~ The administrator 3. The authority shall inspect the driver's record for
18 that period to compute the number of offenses committed.

19 Sec. 92. NRS 232.510 is hereby amended to read as follows:

20 232.510 1. The department of business and industry is hereby
21 created.

22 2. The department consists of a director and the following:

- 23 (a) Consumer affairs division.
- 24 (b) Division of financial institutions.
- 25 (c) Housing division.
- 26 (d) Manufactured housing division.
- 27 (e) Real estate division.
- 28 (f) Division of unclaimed property.
- 29 (g) Division of agriculture.
- 30 (h) Division of minerals.
- 31 (i) Division of insurance.
- 32 (j) Division of industrial relations.
- 33 (k) Office of labor commissioner.
- 34 (l) ~~Taxicab authority.~~

35 ~~[(m)]~~ Nevada athletic commission.

36 ~~[(n)]~~ (m) Office of the Nevada attorney for injured workers.

37 ~~[(o)]~~ (n) State predatory animal and rodent committee.

38 ~~[(p)]~~ (o) Transportation services authority.

39 ~~[(q)]~~ (p) Any other office, commission, board, agency or entity created
40 or placed within the department pursuant to a specific statute, the budget
41 approved by the legislature or an executive order, or an entity whose
42 budget or activities have been placed within the control of the department

43 by a specific statute.

1 **Sec. 93.** NRS 232.520 is hereby amended to read as follows:

2 232.520 The director:

3 1. Shall appoint a chief or executive director, or both of them, of each
4 of the divisions, offices, commissions, boards, agencies or other entities of
5 the department, unless the authority to appoint such a chief or executive
6 director, or both of them, is expressly vested in another person, board or
7 commission by a specific statute. In making the appointments, the director
8 may obtain lists of qualified persons from professional organizations,
9 associations or other groups recognized by the department, if any. The
10 chief of the consumer affairs division is the commissioner of consumer
11 affairs, the chief of the division of financial institutions is the commissioner
12 of financial institutions, the chief of the housing division is the
13 administrator of the housing division, the chief of the manufactured housing
14 division is the administrator of the manufactured housing division, the chief
15 of the real estate division is the real estate administrator, the chief of the
16 division of unclaimed property is the administrator of unclaimed property,
17 the chief of the division of agriculture is the administrator of the division of
18 agriculture, the chief of the division of minerals is the administrator of the
19 division of minerals, the chief of the division of insurance is the insurance
20 commissioner, the chief of the division of industrial relations is the
21 administrator of the division of industrial relations, the chief of the office of
22 labor commissioner is the labor commissioner, ~~the chief of the taxicab~~
23 ~~authority is the taxicab administrator,~~ the chief of the transportation
24 services authority is the chairman of the authority and the chief of any other
25 entity of the department has the title specified by the director, unless a
26 different title is specified by a specific statute.

27 2. Is responsible for the administration of all provisions of law relating
28 to the jurisdiction, duties and functions of all divisions and other entities
29 within the department. The director may, if he deems it necessary to carry
30 out his administrative responsibilities, be considered as a member of the
31 staff of any division or other entity of the department for the purpose of
32 budget administration or for carrying out any duty or exercising any power
33 necessary to fulfill the responsibilities of the director pursuant to this
34 subsection. Nothing contained in this subsection may be construed as
35 allowing the director to preempt any authority or jurisdiction granted by
36 statute to any division or other entity within the department or as allowing
37 the director to act or take on a function that would be in contravention of a
38 rule of court or a statute.

39 3. Has authority to:

40 (a) Establish uniform policies for the department, consistent with the
41 policies and statutory responsibilities and duties of the divisions and other
42 entities within the department, relating to matters concerning budgeting,
43 accounting, planning, program development, personnel, information

1 services, dispute resolution, travel, workplace safety, the acceptance of gifts
2 or donations, the management of records and any other subject for which a
3 uniform departmental policy is necessary to ensure the efficient operation
4 of the department.

5 (b) Provide coordination among the divisions and other entities within
6 the department, in a manner which does not encroach upon their statutory
7 powers and duties, as they adopt and enforce regulations, execute
8 agreements, purchase goods, services or equipment, prepare legislative
9 requests and lease or utilize office space.

10 (c) Define the responsibilities of any person designated to carry out the
11 duties of the director relating to financing, industrial development or
12 business support services.

13 4. May, within the limits of the financial resources made available to
14 him, promote, participate in the operation of, and create or cause to be
15 created, any nonprofit corporation, pursuant to chapter 82 of NRS, which
16 he determines is necessary or convenient for the exercise of the powers and
17 duties of the department. The purposes, powers and operation of the
18 corporation must be consistent with the purposes, powers and duties of the
19 department.

20 5. For any bonds which he is otherwise authorized to issue, may issue
21 bonds the interest on which is not exempt from federal income tax or
22 excluded from gross revenue for the purposes of federal income tax.

23 6. May, except as otherwise provided by specific statute, adopt by
24 regulation a schedule of fees and deposits to be charged in connection with
25 the programs administered by him pursuant to chapters 348A and 349 of
26 NRS. Except as so provided, the amount of any such fee or deposit must
27 not exceed 2 percent of the principal amount of the financing.

28 7. May designate any person within the department to perform any of
29 the duties or responsibilities, or exercise any of the authority, of the
30 director on his behalf.

31 8. May negotiate and execute agreements with public or private entities
32 which are necessary to the exercise of the powers and duties of the director
33 or the department.

34 9. May establish a trust account in the state treasury for the purpose of
35 depositing and accounting for money that is held in escrow or is on deposit
36 with the department for the payment of any direct expenses incurred by the
37 director in connection with any bond programs administered by the
38 director. The interest and income earned on money in the trust account, less
39 any amount deducted to pay for applicable charges, must be credited to the
40 trust account. Any balance remaining in the account at the end of a fiscal
41 year may be:

42 (a) Carried forward to the next fiscal year for use in covering the
43 expense for which it was originally received; or

(b) Returned to any person entitled thereto in accordance with agreements or regulations of the director pertaining to such bond programs.

Sec. 94. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The governor.

(b) The department of prisons.

(c) The University and Community College System of Nevada.

(d) The office of the military.

(e) The state gaming control board.

(f) The Nevada gaming commission.

(g) The welfare division of the department of human resources.

(h) The state board of examiners acting pursuant to chapter 217 of NRS.

(i) Except as otherwise provided in NRS 533.365, the office of the state engineer.

2. Except as otherwise provided in NRS 391.323, the department of education, the committee on benefits and the commission on professional standards in education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security division of the department of employment, training and rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 703 of NRS for the judicial review of decisions of the public utilities commission of Nevada;

(d) Chapter 91 of NRS for the judicial review of decisions of the administrator of the securities division of the office of the secretary of state;

~~and~~

(e) NRS 90.800 for the use of summary orders in contested cases ~~H~~;

~~and~~

(f) Chapter 706 of NRS concerning the judicial review of decisions of the transportation services authority,

prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the department of human resources in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals,

objects or premises, made under the authority of the state board of

1 agriculture, the state board of health, the state board of sheep
2 commissioners or any other agency of this state in the discharge of a
3 responsibility for the preservation of human or animal health or for insect
4 or pest control; or

5 (b) An extraordinary regulation of the state board of pharmacy adopted
6 pursuant to NRS 453.2184.

7 6. The state board of parole commissioners is subject to the provisions
8 of this chapter for the purpose of adopting regulations but not with respect
9 to any contested case.

10 **Sec. 95.** NRS 268.097 is hereby amended to read as follows:

11 268.097 1. Except as otherwise provided in subsections 2 and 3,
12 notwithstanding the provisions of any local, special or general law, after
13 July 1, 1963, the governing body of any incorporated city in this state,
14 whether incorporated by general or special act, or otherwise, may not
15 supervise or regulate any taxicab motor carrier as defined in NRS 706.126
16 which is under the supervision and regulation of the transportation services
17 authority pursuant to law.

18 2. The governing body of any incorporated city in this state, whether
19 incorporated by general or special act, or otherwise, may fix, impose and
20 collect a license tax on and from a taxicab motor carrier for revenue
21 purposes only.

22 3. The governing body of any incorporated city in ~~any county in which~~
23 ~~the provisions of NRS 706.8811 to 706.885, inclusive, do not apply,] this~~
24 ~~state,~~ whether incorporated by general or special act, or otherwise, may
25 regulate by ordinance the qualifications required of employees or lessees of
26 a taxicab motor carrier in a manner consistent with the *provisions of*
27 *chapter 706 of NRS and the* regulations adopted by the transportation
28 services authority.

29 **Sec. 96.** NRS 289.320 is hereby amended to read as follows:

30 289.320 An employee of the transportation services authority whom it
31 designates as an inspector ~~for as manager of transportation] is a peace~~
32 officer and has police power for the enforcement of the provisions of:

33 1. Chapters 706 and 712 of NRS and all regulations of the
34 transportation services authority or the department of motor vehicles and
35 public safety pertaining thereto; and

36 2. Chapter 482 of NRS and NRS 483.230, 483.350 and 483.530 to
37 483.620, inclusive, for the purposes of carrying out the provisions of
38 chapter 706 of NRS.

39 **Sec. 97.** NRS 373.117 is hereby amended to read as follows:

40 373.117 1. A regional transportation commission may establish or
41 operate a public transit system consisting of regular routes and fixed
42 schedules to serve the public.

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

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

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

9 (b) The transporting of persons upon request without regard to regular
10 routes or fixed schedules, if the service is provided by a common motor
11 carrier which has a certificate of public convenience and necessity issued
12 by the transportation services authority pursuant to NRS 706.386 to
13 706.411, inclusive, and the service is subject to the rules and regulations
14 adopted by the transportation services authority for a ~~fully~~ regulated
15 carrier.

16 4. Notwithstanding the provisions of chapter 332 of NRS or NRS
17 625.530, a regional transportation commission may utilize a turnkey
18 procurement process to select a person to design, build, operate and
19 maintain, or any combination thereof, a fixed guideway system, including,
20 without limitation, any minimum operable segment thereof. The
21 commission shall determine whether to utilize turnkey procurement for a
22 fixed guideway project before the completion of the preliminary
23 engineering phase of the project. In making that determination, the
24 commission shall evaluate whether turnkey procurement is the most cost
25 effective method of constructing the project on schedule and in satisfaction
26 of its transportation objectives.

27 5. Notwithstanding the provisions of chapter 332 of NRS, a regional
28 transportation commission may utilize a competitive negotiation
29 procurement process to procure rolling stock for a fixed guideway project.
30 The award of a contract under such a process must be made to the person
31 whose proposal is determined to be the most advantageous to the
32 commission, based on price and other factors specified in the procurement
33 documents.

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

38 7. As used in this section:

39 (a) ~~["Fully regulated carrier" means a common carrier or contract carrier~~
40 ~~of passengers or household goods who is required to obtain from the~~
41 ~~transportation services authority a certificate of public convenience and~~
42 ~~necessity or a contract carrier's permit and whose rates, routes and services~~
43 ~~are subject to regulation by the transportation services authority.~~

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

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

7 **(c) “Regulated carrier” means any person engaged in the operation or**
8 **business of a common motor carrier, a contract motor carrier or carrier**
9 **of household goods subject to the jurisdiction of the transportation**
10 **services authority provided pursuant to the provisions of chapter 706 of**
11 **NRS.**

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

18 **Sec. 98.** NRS 484.1345 is hereby amended to read as follows:

19 484.1345 “Regulatory agency” means any of the agencies granted
20 police or enforcement powers under the provisions of subsection 2 of NRS
21 289.250, NRS 289.260, subsection 3 of NRS 289.270, NRS 289.280,
22 subsection 4 of NRS 289.290 or NRS 289.320, 289.340, 407.065, 472.040,
23 481.048, 501.349 ~~[, 565.155 or 706.8821.]~~ **or 565.155.**

24 **Sec. 99.** Chapter 635, Statutes of Nevada 1993, at page 2650, is
25 hereby amended by adding thereto a new section to be designated as
26 section 8, immediately following section 7, to read as follows:

27 Sec. 8. Sections 2 and 3 of this act expire by limitation on
28 January 1, 2006.

29 **Sec. 100.** Section 346 of chapter 482, Statutes of Nevada 1997, at
30 page 2024, is hereby amended to read as follows:

31 Sec. 346. 1. Sections 134, 174, 176, 178 and 179 of this act
32 expire by limitation on the date that the provisions of 49 U.S.C. §
33 11501 are repealed or judicially declared to be invalid.

34 2. **Sections 186 and 187 of this act expire by limitation on**
35 **January 1, 2006.**

36 3. Section 239 of this act expires by limitation on June 30,
37 2003.

38 **Sec. 101.** NRS 706.031, 706.056, 706.072, 706.2883, 706.451,
39 706.471, 706.8811, 706.8812, 706.8813, 706.8814, 706.8816, 706.8817,
40 706.8818, 706.88185, 706.882, 706.8821, 706.88235, 706.8826, 706.8828,
41 706.8829, 706.88395 and 706.885 are hereby repealed.

42 **Sec. 102.** 1. Except to the extent of any inconsistency with the
43 provisions of chapter 706 of NRS, any regulation adopted by and order

1 issued by the taxicab authority remains in force in the counties which were
2 subject to the jurisdiction of the taxicab authority until the regulation or
3 order is modified or rescinded by the transportation services authority.
4 Such regulations and orders must be enforced by the transportation services
5 authority.

6 2. Any contracts or other agreements entered into by the taxicab
7 authority are binding upon the transportation services authority. Such
8 contracts and agreements may be enforced by the transportation services
9 authority.

10 **Sec. 103.** The taxicab authority shall cooperate fully and take all
11 reasonable steps before October 1, 1999, to ensure that the provisions of
12 this act are carried out in an orderly fashion.

13 **Sec. 104.** This act becomes effective immediately upon passage and
14 approval for the purpose of authorizing any preliminary activities necessary
15 to ensure that the provisions of this act are carried out in an orderly fashion,
16 and for all other purposes:

17 1. This section and sections 1 to 34, inclusive, 36 to 103, inclusive,
18 105 and 106 of this act become effective on October 1, 1999; and

19 2. Section 35 of this act becomes effective on January 1, 2006.

20 **Sec. 105.** The provisions of sections 20 to 23, inclusive, of this act
21 expire by limitation on January 1, 2006.

22 **Sec. 106.** Sections 27, 28 and 29 of this act expire by limitation on the
23 date on which the provisions of 42 U.S.C. § 666 requiring each state to
24 establish procedures under which the state has authority to withhold or
25 suspend, or to restrict the use of professional, occupational and recreational
26 licenses of persons who:

27 1. Have failed to comply with a subpoena or warrant relating to a
28 proceeding to determine the paternity of a child or to establish or enforce
29 an obligation for the support of a child; or

30 2. Are in arrears in the payment for the support of one or more
31 children,

32 are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

706.031 “Commission” defined.

706.056 “Converter gear dolly” defined.

706.072 “Fully regulated carrier” defined.

706.2883 Person aggrieved by action or inaction of taxicab authority entitled to judicial review; regulations of transportation services authority regarding its review of decisions of taxicab authority.

706.451 Annual fee; penalty and interest.

706.471 Annual fee; penalty and interest.

706.8811 Definitions.

706.8812 “Administrator” defined.

706.8813 “Certificate holder” defined.

706.8814 “Driver” defined.

706.8816 “Taxicab” defined.

706.8817 “Taximeter” defined.

706.8818 Appointment, number, qualifications and compensation of members; principal office; regulations.

706.88185 Investigation of alleged violation; hearing; cease and desist order; enforcement of order.

706.882 Appointment; classification; removal; restrictions on other employment.

706.8821 Powers and duties; employees.

706.88235 Issuance and enforcement of subpoenas; depositions.

706.8826 Revenue of city and county received from taxes imposed on businesses operating taxicabs payable to state; fees payable to state by holder of certificate for allocated taxicab.

706.8828 Insurance.

706.8829 Uniform system of accounts; examination of books and accounts; fines; suspension or revocation of certificate of public convenience and necessity.

706.88395 Impoundment by administrator of vehicle in unauthorized use as taxicab; notice and hearing; administrative fine.

706.885 Unlawful acts; criminal penalties; disciplinary action by taxicab authority and administrator.