

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

S.B. 491

SENATE BILL NO. 491—COMMITTEE ON TRANSPORTATION

MARCH 19, 1999

Referred to Committee on Transportation

SUMMARY—Makes various changes relating to regulation of common and contract motor carriers, operators of tow cars, taxicab motor carriers and limousine motor carriers. (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; providing for the deregulation of common motor carriers and other entities, other than operators of tow cars, regulated by the transportation services authority; abolishing the taxicab authority; creating taxicab authorities for certain counties and defining their duties; providing for the regulation of taxicab motor carriers and limousine motor carriers; transferring responsibility relating to requirements for liability insurance for common and contract motor carriers, taxicab motor carriers and limousine motor carriers to the department of motor vehicles and public safety; increasing certain fees; prohibiting certain acts; 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 21, inclusive, of this act.
3 **Sec. 2.** *“Administrator” means the administrator of the taxicab*
4 *authority for southern Nevada or the taxicab authority for northern*
5 *Nevada, as appropriate.*
6 **Sec. 3.** *“Certificate holder” means:*
7 1. *With regard to an operator of a tow car, a person who holds a*
8 *current certificate of public convenience and necessity which was issued*
9 *for the operation of a tow car with respect to towing services performed*
10 *without the prior consent of the owner of the vehicle or the person*
11 *authorized by the owner to operate the vehicle by:*

1 (a) The previously existing public service commission of Nevada
2 before July 1, 1981, and which has not been transferred, revoked or
3 suspended by the transportation services authority, or by operation of
4 law; or

5 (b) The transportation services authority and which has not been
6 transferred, suspended or revoked by the transportation services
7 authority or by operation of law.

8 2. With regard to a taxicab motor carrier or a limousine motor
9 carrier, a person who holds a current certificate of public convenience
10 and necessity which was issued for the operation of a taxicab motor
11 carrier or a limousine motor carrier subject to the jurisdiction of a
12 taxicab authority by:

13 (a) The previously existing public service commission of Nevada
14 before July 1, 1981, and which has not been transferred, revoked or
15 suspended by the transportation services authority, the previously
16 existing taxicab authority, the taxicab authority for southern Nevada or
17 the taxicab authority for northern Nevada, or by operation of law;

18 (b) The previously existing taxicab authority and which has not been
19 transferred, suspended or revoked by the transportation services
20 authority, the previously existing taxicab authority, the taxicab authority
21 for southern Nevada or the taxicab authority for northern Nevada, or by
22 operation of law;

23 (c) The transportation services authority and which has not been
24 transferred, suspended or revoked by the transportation services
25 authority, the previously existing taxicab authority, the taxicab authority
26 for southern Nevada or the taxicab authority for northern Nevada, or by
27 operation of law; or

28 (d) The taxicab authority for southern Nevada or the taxicab authority
29 for northern Nevada and which has not been transferred, suspended or
30 revoked by the taxicab authority for southern Nevada or the taxicab
31 authority for northern Nevada, or by operation of law.

32 Sec. 4. "Driver" means a person who operates a taxicab or
33 limousine that is regulated pursuant to this chapter, and includes a
34 certificate holder if he actually operates the taxicab or limousine.

35 Sec. 5. "Limousine motor carrier" means a person who operates a
36 livery limousine or traditional limousine.

37 Sec. 6. "Livery limousine" means a motor vehicle that:

38 1. At the time of its manufacture, was a light truck, as that term is
39 defined in 49 C.F.R. § 523.5, as that section existed on January 1, 1999;

40 2. Has a capacity of 9 or more persons but less than 16 persons,
41 including the driver; and

1 3. *Is engaged in the general transportation of persons for*
2 *compensation and is not operated on a regular schedule or over regular*
3 *routes.*

4 Sec. 7. *“Operator of a tow car” means a person who provides towing*
5 *services performed without the prior consent of the owner of the vehicle*
6 *or the person authorized by the owner to operate the vehicle.*

7 Sec. 8. *“Taxicab authority” means the taxicab authority for*
8 *southern Nevada or the taxicab authority for northern Nevada, as*
9 *determined pursuant to sections 12 and 13 of this act.*

10 Sec. 9. *“Taximeter” means an instrument used in a taxicab for*
11 *indicating the fare charged.*

12 Sec. 10. *“Traditional limousine” means a motor vehicle that is*
13 *engaged in the general transportation of persons for compensation and is*
14 *not operated on a regular schedule or over regular routes and which:*

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

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

19 Sec. 11. *All regulations, practices and service prescribed by the*
20 *transportation services authority must be enforced and are prima facie*
21 *reasonable unless suspended or found otherwise in an action brought for*
22 *the purpose, or until changed or modified by the transportation services*
23 *authority itself upon satisfactory showing made.*

24 Sec. 12. 1. *A taxicab authority for southern Nevada, consisting of*
25 *three members appointed by the governor, is hereby created. Each*
26 *member shall serve for a term of 4 years. Not more than two members*
27 *may be members of the same political party, and no elected officer of this*
28 *state or any political subdivision is eligible for appointment. The*
29 *members of the taxicab authority for southern Nevada must include:*

30 (a) *A person who has knowledge and experience in business or*
31 *accounting, or training and experience in the law;*

32 (b) *A person who has knowledge and experience in the taxicab*
33 *industry, except that the person may not be currently involved in a*
34 *taxicab business as an owner or manager; and*

35 (c) *A person who has knowledge and experience in the limousine*
36 *industry, except that the person may not be currently involved in a*
37 *limousine business as an owner or manager.*

38 2. *The members of the taxicab authority for southern Nevada are in*
39 *the unclassified service of the state.*

40 3. *The taxicab authority for southern Nevada is the chief regulatory*
41 *agency for the business of transporting passengers by taxicab motor*
42 *carrier or limousine motor carrier in a county whose population is*
43 *400,000 or more, and in such other counties which elect pursuant to*

1 *section 20 of this act to be subject to the jurisdiction of the taxicab*
2 *authority for southern Nevada. The taxicab authority for southern*
3 *Nevada shall maintain its principal office in a county whose population*
4 *is 400,000 or more.*

5 *4. The taxicab authority for southern Nevada may adopt appropriate*
6 *regulations applicable in the counties subject to its jurisdiction for the*
7 *administration and enforcement of NRS 706.881 to 706.885, inclusive,*
8 *and sections 12 to 21, inclusive, of this act, and for the conduct of the*
9 *taxicab and limousine business and the qualifications of and the*
10 *issuance of permits to drivers of taxicabs and of limousines, not*
11 *inconsistent with the provisions of NRS 706.881 to 706.885, inclusive and*
12 *sections 12 to 21, inclusive, of this act. The regulations may include*
13 *different provisions for different counties to allow for differences among*
14 *the counties subject to the jurisdiction of the taxicab authority for*
15 *southern Nevada. Local law enforcement agencies and the Nevada*
16 *highway patrol, upon request of the taxicab authority for southern*
17 *Nevada, may assist in enforcing the provisions of NRS 706.881 to*
18 *706.885, inclusive, and sections 12 to 21, inclusive, of this act, and the*
19 *regulations adopted pursuant thereto by the taxicab authority for*
20 *southern Nevada.*

21 **Sec. 13. 1.** *A taxicab authority for northern Nevada, consisting of*
22 *three members appointed by the governor, is hereby created. Each*
23 *member shall serve for a term of 4 years. The members of the taxicab*
24 *authority for northern Nevada must include:*

25 *(a) The sheriff of a county whose population is 100,000 or more but*
26 *less than 400,000;*

27 *(b) A person who has knowledge and experience in the transportation*
28 *industry; and*

29 *(c) A person who has knowledge and experience in business or*
30 *accounting.*

31 *2. Each member of the taxicab authority for northern Nevada who is*
32 *not a public employee is entitled to receive a salary of not more than \$80,*
33 *as fixed by the taxicab authority for northern Nevada, for each day*
34 *actually employed on work of the taxicab authority for northern Nevada.*

35 *3. While engaged in the business of the taxicab authority for*
36 *northern Nevada, each member of the taxicab authority for northern*
37 *Nevada is entitled to receive the per diem allowance and travel expenses*
38 *provided for state officers and employees generally.*

39 *4. The taxicab authority for northern Nevada is the chief regulatory*
40 *agency for the business of transporting passengers by taxicab motor*
41 *carrier or limousine motor carrier in a county whose population is*
42 *100,000 or more but less than 400,000 and in such other counties which*
43 *elect pursuant to section 20 of this act to be subject to the jurisdiction of*

1 *the taxicab authority for northern Nevada. The taxicab authority for*
2 *northern Nevada shall maintain its principal office in a county whose*
3 *population is 100,000 or more but less than 400,000.*

4 *5. The taxicab authority for northern Nevada may adopt appropriate*
5 *regulations applicable in the counties subject to its jurisdiction for the*
6 *administration and enforcement of NRS 706.881 to 706.885, inclusive,*
7 *and sections 12 to 21, inclusive, of this act, and for the conduct of the*
8 *taxicab business and the qualifications of and the issuance of permits to*
9 *drivers of taxicabs and of limousines, not inconsistent with the provisions*
10 *of NRS 706.881 to 706.885, inclusive, and sections 12 to 21, inclusive, of*
11 *this act. The regulations may include different provisions for different*
12 *counties to allow for differences among the counties subject to the*
13 *jurisdiction of the taxicab authority for northern Nevada. Local law*
14 *enforcement agencies and the Nevada highway patrol, upon request of*
15 *the taxicab authority for northern Nevada, may assist in enforcing the*
16 *provisions of NRS 706.881 to 706.885, inclusive, and sections 12 to 21,*
17 *inclusive, of this act, and the regulations adopted pursuant thereto by the*
18 *taxicab authority for northern Nevada.*

19 *Sec. 14. Except to the extent of any inconsistency with the provisions*
20 *of NRS 706.881 to 706.885, inclusive, and sections 12 to 21, inclusive, of*
21 *this act, every order issued by the transportation services authority or the*
22 *previously existing taxicab authority remains in effect until the order is*
23 *modified or rescinded by a taxicab authority. The taxicab authority for*
24 *southern Nevada or the taxicab authority for northern Nevada, as*
25 *appropriate, shall enforce such an order until the order is modified or*
26 *rescinded.*

27 *Sec. 15. 1. If a taxicab authority has established a system of*
28 *allocations for taxicabs and limousines in a county subject to its*
29 *jurisdiction, the taxicab authority shall, on or before April 1 of each year,*
30 *increase the number of allocated taxicabs and limousines in that county*
31 *by a percentage which is equal to the average of:*

32 *(a) The percentage of increase, if any, in the number of passengers*
33 *who traveled into an airport located in that county during the preceding*
34 *calendar year, as reported by the board of county commissioners of the*
35 *county in which the airport is located; and*

36 *(b) The percentage of increase, if any, in the population of that county*
37 *during the preceding calendar year, as determined from the certifications*
38 *made pursuant to NRS 360.285.*

39 *2. Except as otherwise provided in this subsection, on or before*
40 *February 15, each board of county commissioners in this state shall*
41 *prepare and cause to be published an annual report setting forth the*
42 *number of passengers who arrived by commercial airline at an airport*
43 *located in the county during each month in the preceding calendar year.*

1 *A board of county commissioners does not have to submit a report*
2 *pursuant to this subsection if no commercial airline operates at any*
3 *airport located within the county.*

4 **Sec. 15.5.** (Deleted by amendment.)

5 **Sec. 16.** *Except as otherwise provided in subsection 6 of NRS*
6 *706.8827:*

7 *1. Not later than 45 days after the date on which a taxicab authority*
8 *receives an application for a certificate of public convenience and*
9 *necessity for the operation of a limousine, the taxicab authority shall*
10 *hold a prehearing conference with the applicant.*

11 *2. The taxicab authority may authorize discovery on the application,*
12 *beginning on the first day after the day on which the prehearing*
13 *conference is held. The period for discovery may not exceed 90 days.*

14 *3. If a period for discovery is authorized pursuant to subsection 2,*
15 *the taxicab authority shall provide a period for response, beginning on*
16 *the first day after the date on which the period for discovery expires. The*
17 *period for response may not exceed 30 days.*

18 *4. The taxicab authority shall hold a hearing on the application not*
19 *later than 120 days after the date on which the prehearing conference is*
20 *held.*

21 **Sec. 17.** *An applicant for a driver's permit pursuant to NRS*
22 *706.8841 must include his social security number with his application for*
23 *the initial issuance or renewal of a driver's permit. The taxicab authority*
24 *to which the application for a driver's permit is submitted shall keep the*
25 *social security number of each applicant and licensee in the record for*
26 *the applicant or permittee, as appropriate.*

27 **Sec. 18.** *1. A person who applies to a taxicab authority for the*
28 *issuance or renewal of a driver's permit pursuant to NRS 706.8841 shall*
29 *submit to the taxicab authority the statement prescribed by the welfare*
30 *division of the department of human resources pursuant to NRS 425.520.*
31 *The statement must be completed and signed by the applicant.*

32 *2. Each taxicab authority shall include the statement required*
33 *pursuant to subsection 1 in:*

34 *(a) The application or any other forms that must be submitted for the*
35 *issuance or renewal of the permit; or*

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

37 *3. A driver's permit may not be issued or renewed by a taxicab*
38 *authority if the applicant:*

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

40 *(b) Indicates on the statement submitted pursuant to subsection 1 that*
41 *he is subject to a court order for the support of a child and is not in*
42 *compliance with the order or a plan approved by the district attorney or*

1 other public agency enforcing the order for the repayment of the amount
2 owed pursuant to the order.

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

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

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

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

20 6. The taxicab authority shall keep each statement submitted by an
21 applicant pursuant to subsection 1 in the record of the applicant.

22 **Sec. 19. 1.** If a taxicab authority receives a copy of a court order
23 issued pursuant to NRS 425.540 that provides for the suspension of all
24 professional, occupational and recreational licenses, certificates and
25 permits issued to a person who is the holder of a driver's permit issued by
26 that taxicab authority, the taxicab authority shall deem the driver's
27 permit issued to that person to be suspended at the end of the 30th day
28 after the date on which the court order was issued unless the taxicab
29 authority receives a letter issued to the holder of the permit by the district
30 attorney or other public agency pursuant to NRS 425.550 stating that the
31 holder of the permit has complied with the subpoena or warrant or has
32 satisfied the arrearage pursuant to NRS 425.560.

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

40 **Sec. 20. 1.** The board of county commissioners of each county
41 which is not otherwise subject to the jurisdiction of a taxicab authority
42 pursuant to sections 12 and 13 of this act, shall, by ordinance, elect to:

1 (a) Include the county in the jurisdiction of the taxicab authority for
2 southern Nevada;

3 (b) Include the county in the jurisdiction of the taxicab authority for
4 northern Nevada; or

5 (c) Exclude the county from the jurisdiction of both the taxicab
6 authority for southern Nevada and the taxicab authority for northern
7 Nevada.

8 2. Upon enacting such an ordinance, the board of county
9 commissioners shall notify each taxicab authority specified in the
10 ordinance, the previous taxicab authority to whose jurisdiction the
11 county was subject, if any, and the department of the ordinance.

12 **Sec. 21.** 1. If a board of county commissioners enacts an
13 ordinance approving the exclusion of the county from the jurisdiction of
14 a taxicab authority pursuant to section 20 of this act, the board of county
15 commissioners may enact such other ordinances as it may deem
16 necessary to regulate the conduct of the business of taxicab motor
17 carriers and limousine motor carriers that are based and primarily
18 operate within that county. If enacted, such ordinances must be
19 consistent with the legislative policies set forth in NRS 706.151.

20 2. If a board of county commissioners enacts an ordinance
21 approving the inclusion of the county in the jurisdiction of the taxicab
22 authority for southern Nevada or the taxicab authority for northern
23 Nevada, the board of county commissioners shall not amend or repeal
24 the ordinance, or enact any other ordinance pursuant to section 20 of
25 this act, for at least 2 years after the date on which the ordinance
26 approving the inclusion of the county in the jurisdiction of a taxicab
27 authority becomes effective.

28 3. A person who is regulated by a county in accordance with this
29 section shall pay to the county \$100 per year for each taxicab and \$250
30 per year for each limousine that the person operates and a fee set by the
31 board of county commissioners by ordinance that must not exceed 15
32 cents per trip for each compensable trip of each of those taxicabs, which
33 may be added to the meter charge.

34 4. Except as otherwise provided in this subsection, all money
35 collected by the board of county commissioners relating to the regulation
36 of taxicab motor carriers and limousine motor carriers pursuant to this
37 section must be deposited with the county treasurer of that county and
38 accounted for separately in the county general fund. All money collected
39 by a county for a fine or other monetary penalty must be deposited with
40 the state treasurer for deposit in the state general fund.

41 5. No ordinance enacted by a board of county commissioners
42 pursuant to:

1 (a) *Section 20 of this act to exclude the county from the jurisdiction of*
2 *a taxicab authority; or*

3 (b) *Subsection 1 to regulate the conduct of the business of taxicab*
4 *motor carriers and limousine motor carriers that are based and primarily*
5 *operate within that county,*
6 *may be construed as motor vehicle registration law and any license fees*
7 *that may be imposed by a board of county commissioners pursuant*
8 *thereto are in addition to the fees for motor vehicle registration required*
9 *under the laws of this state.*

10 **Sec. 22.** NRS 706.011 is hereby amended to read as follows:

11 706.011 As used in ~~[NRS 706.013 to 706.791, inclusive,]~~ *this chapter,*
12 unless the context otherwise requires, the words and terms defined in NRS
13 706.013 to 706.146, inclusive, *and sections 2 to 10, inclusive, of this act*
14 have the meanings ascribed to them in those sections.

15 **Sec. 23.** NRS 706.013 is hereby amended to read as follows:

16 706.013 “Advertise” means the commercial use of any medium,
17 including, but not limited to, the radio or television, or a newspaper,
18 magazine, directory, sign or other printed matter, by ~~[a common or contract~~
19 ~~motor carrier]~~ *an operator of a tow car* to bring the services of the ~~[carrier]~~
20 *operator* to the attention of members of the general public.

21 **Sec. 24.** NRS 706.036 is hereby amended to read as follows:

22 706.036 “Common motor carrier” means any person or operator who
23 holds himself out to the public as willing to transport by vehicle from place
24 to place, either upon fixed route or on-call operations, passengers or
25 property, including a common motor carrier of passengers ~~[.]~~ *and* a
26 common motor carrier of property . ~~[, and]~~ *The term does not include* a
27 taxicab motor carrier ~~[.]~~ *, a limousine motor carrier or an operator of a*
28 *tow car.*

29 **Sec. 25.** NRS 706.041 is hereby amended to read as follows:

30 706.041 “Common motor carrier of passengers” means any person or
31 operator ~~[, including a taxicab motor carrier,]~~ who holds himself out to the
32 public as willing to transport by vehicle from place to place, either upon
33 fixed route or on-call operations, passengers or passengers and light
34 express for all who may choose to employ him. *The term does not include*
35 *a taxicab motor carrier or limousine motor carrier.*

36 **Sec. 26.** NRS 706.046 is hereby amended to read as follows:

37 706.046 “Common motor carrier of property” means any person or
38 operator, including a motor convoy carrier, who holds himself out to the
39 public as willing to transport by motor vehicle from place to place, either
40 upon fixed route or on-call operations, the property of all who may choose
41 to employ him. *The term does not include an operator of a tow car.*

1 **Sec. 27.** NRS 706.051 is hereby amended to read as follows:

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

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

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

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

13 **Sec. 28.** NRS 706.085 is hereby amended to read as follows:

14 706.085 “Household goods” means personal effects and property used
15 or to be used in a dwelling which are part of the equipment or supply of the
16 dwelling and ~~{such}~~ other similar property . ~~{as the authority may provide~~
17 ~~by regulation.}~~ The term does not include property moving from a factory
18 or store, except property that the householder has purchased with the intent
19 to use in his dwelling and that is transported at the request of, and the
20 transportation charges paid to the carrier by, the householder.

21 **Sec. 29.** NRS 706.124 is hereby amended to read as follows:

22 706.124 *1.* “Taxicab” means a vehicle which is not operated over a
23 fixed route, is designed or constructed to accommodate and transport not
24 more than six passengers, including the driver, and is:

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

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

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

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

34 *(a) A common motor carrier;*

35 *(b) A contract motor carrier;*

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

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

39 *(e) A limousine motor carrier.*

40 **Sec. 30.** NRS 706.151 is hereby amended to read as follows:

41 706.151 1. It is hereby declared to be the purpose and policy of the
42 legislature in enacting this

chapter:

1 (a) ~~Except to the extent otherwise provided in NRS 706.881 to~~
2 ~~706.885, inclusive, to~~ To confer upon the **transportation services** authority
3 the power and to make it the duty of the **transportation services** authority
4 to regulate ~~fully-regulated carriers,~~ operators of tow cars ~~and brokers of~~
5 ~~regulated services~~ to the extent provided in this chapter , and to confer
6 upon the department the power to license all motor carriers **subject to the**
7 **provisions of this chapter** and to make it the duty of the department to
8 enforce the provisions of this chapter and the regulations adopted by the
9 **transportation services** authority pursuant ~~to it,~~ **thereto**, to relieve the
10 undue burdens on the highways arising by reason of the use of the highways
11 by vehicles in a gainful occupation thereon.

12 (b) To provide for reasonable compensation for the use of the highways
13 in gainful occupations, and enable the State of Nevada, by using license
14 fees, to provide for the proper construction, maintenance and repair thereof,
15 and thereby protect the safety and welfare of the traveling and shipping
16 public in their use of the highways.

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

20 (d) To encourage the establishment and maintenance of reasonable
21 charges for ~~:~~

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

23 ~~—(2) Towing~~ **towing** services performed without the prior consent of
24 the owner of the vehicle or the person authorized by the owner to operate
25 the vehicle, without unjust discriminations against or undue preferences or
26 advantages being given to any ~~motor-carrier~~ **operator of a tow car** or
27 applicant for a certificate of public convenience and necessity.

28 (e) To discourage any practices which would tend to increase or create
29 competition that may be detrimental to the ~~traveling and shipping public or~~
30 ~~the motor-carrier~~ **business of towing vehicles without the prior consent of**
31 **the owner of the vehicle or the person authorized by the owner to operate**
32 **the vehicle** within this state.

33 2. All ~~of~~ the provisions of this chapter must be administered and
34 enforced with a view to carrying out the declaration of policy contained in
35 this section.

36 **Sec. 31.** NRS 706.1511 is hereby amended to read as follows:

37 706.1511 1. The transportation services authority is hereby created.

38 2. The **chief of the transportation services** authority ~~consists of three~~
39 ~~members appointed by the governor. After the initial term each member~~
40 ~~shall serve~~ **is the commissioner of the transportation services authority.**

41 **The governor shall appoint the commissioner for** a term of 4 years.

1 3. The ~~{governor shall appoint to the authority members who}~~ **person**
2 **appointed as the commissioner must** have at least 2 years of experience in
3 one or more of the following fields:

- 4 (a) Accounting.
- 5 (b) Business administration.
- 6 (c) Economics.
- 7 (d) Administrative law.
- 8 (e) Transportation.
- 9 (f) Professional engineering.

10 ~~{At least one but not more than two of the members appointed must be~~
11 ~~residents of Clark County.~~

12 ~~—4.— Not more than two of the members may be:~~

13 ~~—(a)— Members of the same political party.~~

14 ~~—(b)— From the same field of experience.~~

15 ~~—5.— All of the members}~~

16 4. **The commissioner** must be ~~{persons who are}~~ **a person who is**
17 independent of the industries regulated by the **transportation services**
18 authority. No elected officer of this state or any political subdivision is
19 eligible for appointment.

20 ~~{6.— The members of the authority}~~

21 5. **The commissioner** shall give ~~{their}~~ **his** entire time to the business
22 of the **transportation services** authority and shall not pursue any other
23 business or vocation or hold any other office of profit.

24 ~~{7.— Each member of the authority}~~

25 6. **The commissioner** serves at the pleasure of the governor.

26 **Sec. 32.** NRS 706.1513 is hereby amended to read as follows:

27 706.1513 The **transportation services** authority may sue and be sued in
28 the name of the transportation services authority.

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

30 706.1515 1. Any ~~{common or contract carrier}~~ **operator of a tow car**
31 subject to the jurisdiction of the **transportation services** authority that
32 elects to maintain its books and records outside the State of Nevada ~~{shall,}~~
33 **must**, in addition to any other assessment and fees provided for by law, be
34 assessed **in advance** by the **transportation services** authority for an amount
35 **which the transportation services authority reasonably estimates will be**
36 equal to **the amount that will be incurred for** the travel expenses and the
37 excess of the out-of-state subsistence allowances over the in-state
38 subsistence allowances, as fixed by NRS 281.160, ~~{of members}~~ **by the**
39 **commissioner** of the **transportation services** authority and staff, for
40 investigations, inspections and audits required to be performed outside this
41 state.

42 2. The ~~{assessments}~~ **actual amount of the assessment** provided for by
43 this section must be determined by the **transportation services** authority

1 upon the completion of each such investigation, inspection, audit or
2 appearance . ~~{and are}~~ *If the actual amount of the assessment is less than*
3 *the estimated amount of the assessment, the transportation services*
4 *authority shall refund the difference to the affected operator, as*
5 *appropriate. If the actual amount of the assessment is greater than the*
6 *estimated amount of the assessment paid by the affected operator, the*
7 *transportation services authority shall assess the affected operator an*
8 *amount that is equal to the difference between the estimated and actual*
9 *assessment. The final assessment is* due within 30 days after receipt by the
10 affected ~~{common or contract carrier}~~ *operator* of the notice of *the*
11 assessment.

12 3. The records of the *transportation services* authority relating to the
13 additional costs incurred by reason of the necessary additional travel must
14 be open for inspection by the affected ~~{common or contract carrier}~~
15 *operator* at any time within the 30-day period.

16 **Sec. 34.** NRS 706.1516 is hereby amended to read as follows:

17 706.1516 1. The transportation services authority regulatory fund is
18 hereby created as a special revenue fund. ~~{All}~~ *Except as otherwise*
19 *provided in this section, all* money collected by the *transportation services*
20 authority pursuant to law must be deposited in the state treasury for credit
21 to the fund.

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

23 (a) Maintaining staff and equipment needed to regulate adequately
24 persons subject to the jurisdiction of the *transportation services* authority.

25 (b) Participating in all proceedings relevant to the jurisdiction of the
26 *transportation services* authority.

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

30 (d) The salaries, travel expenses and subsistence allowances of the
31 ~~{members}~~ *commissioner and staff* of the *transportation services*
32 authority.

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

35 4. The *transportation services* authority must furnish upon request a
36 statement showing the balance remaining in the fund as of the close of the
37 preceding fiscal year.

38 *5. Money collected by the transportation services authority from a*
39 *fine or penalty must be deposited into the state highway fund.*

40 **Sec. 35.** NRS 706.1517 is hereby amended to read as follows:

41 706.1517 Employees of the *transportation services* authority who are
42 peace officers may carry firearms in the performance of their duties.

Sec. 36. NRS 706.1518 is hereby amended to read as follows:

706.1518 Except as otherwise provided in NRS 706.1725, the *transportation services* authority shall make and publish biennial reports showing its proceedings. All biennial reports, records, proceedings, papers and files of the *transportation services* authority must be open at all reasonable times to the public.

Sec. 37. NRS 706.156 is hereby amended to read as follows:

706.156 ~~{1.—All common and contract motor carriers and brokers}~~ *All operators of tow cars* are hereby declared to be, to the extent provided in this chapter:

~~{(a)}~~ *1.* Affected with a public interest; and

~~{(b)}~~ *2.* Subject to NRS ~~{706.011}~~ *706.151* to 706.791, inclusive ~~{~~
~~—2.—A purchaser or broker of transportation services which are provided by a common motor carrier who holds a certificate of public convenience and necessity may resell those services, in combination with other services and facilities that are not related to transportation, but only in a manner complying with the scope of authority set forth in the certificate of the common motor carrier. The authority shall not prohibit or restrict such a purchaser or broker from reselling those transportation services to any person based upon that person's affiliation, or lack of affiliation, with any group.}~~ *, and section 11 of this act.*

Sec. 38. NRS 706.166 is hereby amended to read as follows:

706.166 The *transportation services* authority shall:

1. ~~{Subject to the limitation provided in NRS 706.168 and to}~~ *To* the extent provided in this chapter, supervise and regulate ~~{~~:

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

~~—(b) Every}~~ *every* operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS ~~{706.011}~~ *706.151* to 706.791, inclusive ~~{}~~ *, and section 11 of this act.*

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

~~—3.}~~ Enforce the standards of safety applicable to the employees, equipment, facilities and operations of ~~{those common and contract carriers subject to the authority of the department}~~ *operators of tow cars* by:

(a) Providing training in safety;

1 (b) Reviewing and observing the programs or inspections of ~~[the carrier]~~
2 *operators of tow cars* relating to safety; and

3 (c) Conducting inspections relating to safety . ~~[at the operating terminals~~
4 ~~of the carrier.~~

5 ~~—4.]~~ 3. To carry out the policies expressed in NRS 706.151, adopt
6 regulations providing for agreements between two or more ~~[fully regulated~~
7 ~~carriers or two or more]~~ operators of tow cars relating to:

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

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

12 ~~[(c) Classifications;~~

13 ~~—(d) Divisions;~~

14 ~~—(e) Allowances; and~~

15 ~~—(f) All charges of fully regulated carriers]~~ and

16 (b) All charges of operators of tow cars for towing services performed
17 without the prior consent of the owner of the vehicle or the person
18 authorized by the owner to operate the vehicle . ~~[including charges~~
19 ~~between carriers and compensation paid or received for the use of facilities~~
20 ~~and equipment.]~~

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

23 ~~[5.]~~ 4. Review decisions of ~~[the]~~ a taxicab authority appealed to the
24 *transportation services* authority pursuant to NRS 706.8819.

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

26 706.167 1. Each ~~[fully regulated carrier,]~~ operator of a tow car ~~[and~~
27 ~~common or contract carrier]~~ regulated by the *transportation services*
28 authority shall:

29 (a) Keep uniform and detailed accounts of all business transacted in the
30 manner required by the *transportation services* authority by regulation and
31 render them to the *transportation services* authority upon its request.

32 (b) Furnish an annual report to the *transportation services* authority in
33 the form and detail that it prescribes by regulation.

34 The regulations of the *transportation services* authority may not require an
35 operator of a tow car to keep accounts and report information concerning
36 towing services *performed without the prior consent of the owner of the*
37 *vehicle or the person authorized by the owner to operate the vehicle* other
38 than information that is necessary to permit the *transportation services*
39 authority to enforce the provisions of NRS ~~[706.011]~~ 706.151 to 706.791,
40 inclusive ~~[.~~

41 ~~—2.— Except as otherwise provided in subsection 3, the]~~ , and section 11
42 of *this* *act.*

1 **2. The** reports required by this section must be prepared for each
2 calendar year and submitted not later than May 15 of the year following the
3 year for which the report is submitted.

4 3. ~~{A carrier may, with the permission of the authority, prepare the~~
5 ~~reports required by this section for a year other than a calendar year that the~~
6 ~~authority specifies and submit them not later than a date specified by the~~
7 ~~authority in each year.~~

8 ~~—4.}~~ If the **transportation services** authority finds that necessary
9 information is not contained in a report submitted pursuant to this section,
10 it may call for the omitted information at any time.

11 **Sec. 40.** NRS 706.1675 is hereby amended to read as follows:

12 706.1675 Every annual report, record or statement required by law to
13 be made to the **transportation services** authority must be submitted under
14 oath by the proper officer, agent or person responsible for submitting the
15 report, record or statement.

16 **Sec. 41.** NRS 706.169 is hereby amended to read as follows:

17 706.169 The department shall ~~be~~:

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

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

22 **Sec. 42.** NRS 706.171 is hereby amended to read as follows:

23 706.171 1. The ~~{authority and the}~~ department may:

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

27 (b) Adopt by reference any appropriate rule or regulation, as it exists at
28 the time of adoption, issued by the United States Department of
29 Transportation, the Surface Transportation Board, any other agency of the
30 Federal Government, or the National Association of Regulatory Utility
31 Commissioners.

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

35 (d) Except as otherwise provided in this section, examine, at any time
36 during the business hours of the day, the books, papers and records of any
37 ~~{fully regulated carrier, and of any other}~~ common, contract or private
38 motor carrier , **taxicab motor carrier, limousine motor carrier or operator**
39 **of a tow car** doing business in this state to the extent necessary for ~~{their~~
40 ~~respective duties. The authority and}~~ **the department to carry out the**
41 **provisions of this chapter. The** department may examine in other states or
42 require by subpoena the production inside this state of such books, papers
43 and records as are not maintained in this state.

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

3 2. No personnel records of an employee of a ~~{fully regulated carrier, or~~
4 ~~of any other}~~ common, contract or private motor carrier, *taxicab motor*
5 *carrier, limousine motor carrier or operator of a tow car* may be
6 examined pursuant to paragraph (d) of subsection 1 unless the records
7 contain information relating to a matter of public safety or ~~{the authority~~
8 ~~and}~~ the department ~~{determine}~~ *determines* that the examination is
9 required to protect the interests of the public.

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

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

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

24 **Sec. 43.** NRS 706.1715 is hereby amended to read as follows:

25 706.1715 1. The attorney general shall:

26 (a) Act as counsel and attorney for the *transportation services* authority
27 in all actions, proceedings and hearings.

28 (b) Prosecute in the name of the transportation services authority all
29 civil actions for the enforcement of this chapter and for the recovery of any
30 penalty or forfeiture provided for therein.

31 (c) Generally aid the *transportation services* authority in the
32 performance of its duties and the enforcement of this chapter.

33 2. The attorney general or any district attorney may prosecute any
34 violation of this chapter ~~{or chapter 712 of NRS}~~ for which a criminal
35 penalty is provided.

36 **Sec. 44.** NRS 706.1717 is hereby amended to read as follows:

37 706.1717 The *transportation services* authority may, in carrying out its
38 duties:

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

41 2. Confer with the regulatory agencies of other states on matters of
42 mutual concern and benefit to persons served by *operators of tow cars,*
43 *taxicab motor carriers and limousine* motor carriers of this state.

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

Sec. 45. NRS 706.172 is hereby amended to read as follows:

706.172 1. *The transportation services authority may:*

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

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

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

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

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

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

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

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

(j) If applicable, the date on which the employment of the employee was terminated.

Sec. 46. NRS 706.1725 is hereby amended to read as follows:

706.1725 1. Any books, accounts, records, minutes, papers and property of any ~~carrier~~ *operator of a tow car* that are subject to examination pursuant to NRS 706.1518 and 706.172, and are made available to the *transportation services* authority, any officer or employee of the *transportation services* authority, or any other person under the condition that the disclosure of such information to the public be withheld or otherwise limited, must not be disclosed to the public unless the *transportation services* authority first determines that the disclosure is justified.

2. The *transportation services* authority shall take such actions as are necessary to protect the confidentiality of such information, including, without limitation:

- (a) Granting such protective orders as it deems necessary; and
- (b) Holding closed hearings to receive or examine such information.

3. If the *transportation services* authority closes a hearing to receive or examine such information, it shall:

(a) Restrict access to the records and transcripts of such hearings without the prior approval of the *transportation services* authority or an order of a court of competent jurisdiction authorizing access to the records or transcripts; and

(b) Prohibit any participant at such a hearing from disclosing such information without the prior authorization of the *transportation services* authority.

4. The *transportation services* authority shall consider in an open meeting whether the information reviewed or examined in a closed hearing may be disclosed without revealing the confidential subject matter of the information. To the extent the *transportation services* authority determines the information may be disclosed, the information must become a part of the records available to the public. Information that the *transportation services* authority determines may not be disclosed must be kept under seal.

Sec. 47. NRS 706.173 is hereby amended to read as follows:

706.173 1. The *transportation services* authority or the department may, by regulation applicable to ~~common, contract and private motor carriers of passengers and property,~~ *operators of tow cars*, adopt standards for safety for drivers and vehicles.

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

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

4 **Sec. 48.** NRS 706.176 is hereby amended to read as follows:

5 706.176 The *commissioner of the transportation services* authority
6 may:

7 1. Appoint a deputy who serves in the unclassified service of the state.

8 2. Employ such other personnel as may be necessary.

9 **Sec. 49.** NRS 706.197 is hereby amended to read as follows:

10 706.197 1. The *transportation services* authority may collect fees for
11 the filing of any official document required by this chapter or by a
12 regulation of the *transportation services* authority.

13 2. Filing fees may not exceed:

14 (a) For applications, \$200.

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

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

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

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

21 3. If an application or other document is rejected by the *transportation*
22 *services* authority because it is inadequate or inappropriate, the filing fee
23 must be returned.

24 4. The *transportation services* authority may not charge any fee for
25 filing a complaint.

26 **Sec. 50.** NRS 706.201 is hereby amended to read as follows:

27 706.201 To the extent that such costs cannot be paid for from the
28 transportation services authority regulatory fund, the costs of administration
29 of ~~this chapter~~ *NRS 706.151 to 706.791, inclusive, and section 11 of this*
30 *act by the transportation services authority* must be paid from the state
31 highway fund on claims presented by the *transportation services* authority
32 or department, approved by the state board of examiners.

33 **Sec. 51.** NRS 706.226 is hereby amended to read as follows:

34 706.226 No common, contract or private motor carrier , *taxicab motor*
35 *carrier, limousine motor carrier or operator of a tow car* may operate on
36 any highway ~~nor any broker of regulated services engage in business~~ in
37 this state except in accordance with the provisions of this chapter.

38 **Sec. 51.5.** NRS 706.231 is hereby amended to read as follows:

39 706.231 Sheriffs and all other peace officers and traffic officers of this
40 state are charged with the duty, without further compensation, of assisting
41 in the enforcement of this chapter. ~~They~~ *The officers* shall make arrests
42 for this purpose when requested by an authorized agent of the department,
43 *transportation services* authority or other competent authority.

1 **Sec. 52.** NRS 706.246 is hereby amended to read as follows:

2 706.246 **1.** Except as otherwise provided in NRS 706.235:

3 ~~1.~~ **(a)** A common or contract motor carrier, *taxicab motor carrier,*
4 *limousine motor carrier or operator of a tow car* shall not permit or
5 require a driver to drive or tow any vehicle revealed by inspection or
6 operation to be in such condition that its operation would be hazardous or
7 likely to result in a breakdown of the vehicle, and a driver shall not drive or
8 tow any vehicle which by reason of its mechanical condition is so
9 imminently hazardous to operate as to be likely to cause an accident or a
10 breakdown of the vehicle. If, while any vehicle is being operated on a
11 highway, it is discovered to be in such an unsafe condition, it may be
12 continued in operation, except as further limited by ~~subsection 2,~~
13 *paragraph (b) or (c),* only to the nearest place where repairs can safely be
14 effected, and even that operation may be conducted only if it is less
15 hazardous to the public than permitting the vehicle to remain on the
16 highway.

17 ~~2.—A common or contract motor carrier or private motor carrier;~~

18 **(b)** *An operator of a tow car* shall not permit or require a driver to drive
19 or tow, and a driver shall not drive or tow, any vehicle which:

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

23 ~~(b)~~ **(2)** Has been declared “out of service” by an authorized
24 employee of the *transportation services* authority. ~~for the department.~~
25 When the repairs have been made, the ~~carrier~~ *operator* shall so certify to
26 the *transportation services* authority ~~for the department, whichever agency~~
27 ~~declared the vehicle “out of service,”~~ as required by the *transportation*
28 *services* authority. ~~for the department.~~

29 **(c)** *A common or contract motor carrier, private motor carrier,*
30 *taxicab motor carrier, limousine motor carrier or operator of a tow car*
31 *shall not permit or require a driver to drive, and a driver shall not drive,*
32 *any vehicle which:*

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

36 **(2)** *Has been declared “out of service” by an authorized employee*
37 *of the department.*

38 *When the repairs have been made, the carrier or operator, as*
39 *appropriate, shall so certify to the department, as required by the*
40 *department.*

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

1 **Sec. 53.** NRS 706.251 is hereby amended to read as follows:

2 706.251 1. Every person operating a vehicle used by any motor
3 carrier under the jurisdiction of the **transportation services** authority shall
4 forthwith report each accident occurring on the public highway, wherein the
5 vehicle may have injured the person or property of some person other than
6 the person or property carried by the vehicle, to the sheriff or other peace
7 officer of the county where the accident occurred. If the accident
8 immediately or proximately causes death, the person in charge of the
9 vehicle, or any officer investigating the accident, shall furnish to the
10 **transportation services** authority such detailed report thereof as required by
11 the **transportation services** authority.

12 2. All accident reports required in this section must be filed in the
13 office of the **transportation services** authority and there preserved. An
14 accident report made as required by this chapter, or any report of the
15 **transportation services** authority made pursuant to any accident
16 investigation made by it, is not open to public inspection and must not be
17 disclosed to any person, except upon order of the **transportation services**
18 authority. The reports must not be admitted as evidence or used for any
19 purpose in any action for damages growing out of any matter mentioned in
20 the accident report or report of any such investigation.

21 **Sec. 54.** NRS 706.256 is hereby amended to read as follows:

22 706.256 The **transportation services** authority may, in the interest of
23 safety or service, after hearing:

24 1. Determine and order repairs of facilities of ~~{common and contract~~
25 ~~motor carriers;}~~ **operators of tow cars;** and

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

28 **Sec. 55.** NRS 706.281 is hereby amended to read as follows:

29 706.281 ~~{1.}~~ In addition to any identifying device provided for in this
30 chapter, each motor vehicle ~~{within the provisions of NRS 706.011 to~~
31 ~~706.791, inclusive,}~~ **under the jurisdiction of the transportation services**
32 **authority** must have the name of the person or operator operating the
33 vehicle prominently and conspicuously displayed on both sides of the
34 vehicle in such location, size and style as may be specified by the
35 **transportation services** authority. The display shall not be deemed **to be**
36 advertising for the purposes of NRS 706.285 unless additional information
37 about the operator is included.

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

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

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

1 **Sec. 56.** NRS 706.285 is hereby amended to read as follows:

2 706.285 All advertising by ~~the~~:

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

4 ~~2. An~~ **an** operator of a tow car, must include the number of the
5 certificate of public convenience and necessity ~~for contract carrier's permit~~
6 issued to him by the **transportation services** authority.

7 **Sec. 57.** NRS 706.2855 is hereby amended to read as follows:

8 706.2855 1. If the **transportation services** authority finds, after
9 notice and hearing, that a person has violated NRS 706.285, the
10 **transportation services** authority may, in addition to any penalty,
11 punishment or disciplinary action authorized by this chapter, petition a
12 court of competent jurisdiction for an injunction prohibiting the person
13 from continuing to:

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

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

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

20 (a) Enjoin him from continuing the advertising.

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

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

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

27 ~~(e) If the transportation services authority has revoked the certificate~~
28 ~~of public convenience and necessity of the respondent, cancel the local~~
29 ~~business licenses and permits relating to the operation of the respondent~~
30 ~~that is subject to the jurisdiction of the transportation services authority~~
31 ~~that have been issued to the respondent.~~

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

34 (a) A public utility furnishing telephone service.

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

37 **Sec. 58.** NRS 706.286 is hereby amended to read as follows:

38 706.286 1. ~~When~~ **If** a complaint is made against any ~~fully~~
39 ~~regulated carrier or~~ operator of a tow car ~~by any person,~~ that:

40 (a) Any of the rates, tolls, charges or schedules, or any joint rate or rates
41 assessed by any ~~fully regulated carrier or by any~~ operator of a tow car for
42 towing services performed without the prior consent of the owner of the

1 vehicle or the person authorized by the owner to operate the vehicle are in
2 any respect unreasonable or unjustly discriminatory;

3 (b) Any of the provisions of NRS 706.445 to 706.453, inclusive, have
4 been violated;

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

9 (d) Any service is inadequate,

10 the **transportation services** authority shall investigate the complaint. After
11 receiving the complaint, the **transportation services** authority shall give a
12 copy of ~~{it}~~ **the complaint** to the ~~{carrier-or}~~ operator of a tow car against
13 ~~{whom}~~ **which** the complaint ~~{is}~~ **was** made. Within a reasonable time
14 thereafter, the ~~{carrier-or}~~ operator of a tow car shall provide the
15 **transportation services** authority with ~~{its}~~ **his** written response to the
16 complaint according to the regulations of the **transportation services**
17 authority.

18 2. If the **transportation services** authority determines that probable
19 cause exists for the complaint, it shall order a hearing thereof, give notice
20 of the hearing and conduct the hearing as it would any other hearing. ***If the***
21 ***complaint has been filed against an operator of a tow car by another***
22 ***operator of a tow car and the transportation services authority does not***
23 ***find probable cause for the complaint, the transportation services***
24 ***authority may recover from the complainant the cost of court reporting***
25 ***and investigation, and other necessary expenses incurred by the***
26 ***transportation services authority.***

27 3. No order affecting a rate, toll, charge, schedule, regulation,
28 measurement, practice or act complained of may be entered without a
29 formal hearing unless the hearing is dispensed with as provided in NRS
30 706.2865.

31 **Sec. 59.** NRS 706.2865 is hereby amended to read as follows:

32 706.2865 1. When, in any matter pending before the **transportation**
33 **services** authority, a hearing is required by law, or is normally required by
34 the **transportation services** authority, the **transportation services** authority
35 shall give notice of the pendency of the matter to all persons entitled to
36 notice of the hearing. The **transportation services** authority shall by
37 regulation specify:

38 (a) The manner of giving notice; and

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

41 2. Unless, within 10 days after the date of the notice of pendency, a
42 person entitled to notice of the hearing files with the **transportation**
43 **services** authority a request that the hearing be held, the **transportation**

1 **services** authority may dispense with a hearing and act upon the matter
2 pending.

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

5 4. If an operator of a tow car files an application for a certificate of
6 public convenience and necessity or an application to transfer a certificate
7 of public convenience and necessity with the authority, the authority shall
8 give notice pursuant to the provisions of subsection 1.

9 **Sec. 60.** NRS 706.2873 is hereby amended to read as follows:

10 706.2873 1. A complete record must be kept of all hearings before
11 the **transportation services** authority, and all testimony must be taken down
12 by the stenographer appointed by the **transportation services** authority, or,
13 under the direction of any competent person appointed by the
14 **transportation services** authority, reported by sound recording equipment
15 in the manner authorized for reporting testimony in district courts. The
16 testimony reported by a stenographer must be transcribed and filed with the
17 record in the matter. The **transportation services** authority may by
18 regulation provide for the transcription or safekeeping of sound recordings.
19 The costs of recording and transcribing testimony at any hearing, except
20 those hearings ordered pursuant to NRS 706.286 must be paid by the
21 applicant. If a complaint is made pursuant to NRS 706.286 by a customer
22 or by a political subdivision of this state or a municipal organization, the
23 complainant is not liable for any costs. Otherwise, if there are several
24 applicants or parties to any hearing, the **transportation services** authority
25 may apportion the costs among them in its discretion.

26 2. Whenever any petition is served upon the **transportation services**
27 authority, before the action is reached for trial, the **transportation services**
28 authority shall file a certified copy of all proceedings and testimony taken
29 with the clerk of the court in which the action is pending.

30 3. A copy of the proceedings and testimony must be furnished to any
31 party, on payment of a reasonable amount, to be fixed by the
32 **transportation services** authority, and the amount must be the same for all
33 parties.

34 4. The provisions of this section do not prohibit the **transportation**
35 **services** authority from restricting access to the records and transcripts of a
36 hearing pursuant to subsection 2 of NRS 706.1725.

37 **Sec. 61.** NRS 706.2875 is hereby amended to read as follows:

38 706.2875 1. Any party is entitled to an order by the **transportation**
39 **services** authority for the appearance of witnesses or the production of
40 books, papers and documents containing material testimony.

41 2. Witnesses appearing upon the order of the **transportation services**
42 authority are entitled to the same fees and mileage as witnesses in civil
43 actions in the courts of this state . ~~[, and the fees and mileage must be paid~~

1 ~~out of the state treasury in the same manner as other claims against the state~~
2 ~~are paid.]~~ No fees or mileage may be allowed *for a witness appearing*
3 *pursuant to an order of the transportation services authority* unless the
4 ~~{chairman}~~ *commissioner* of the *transportation services* authority certifies
5 the correctness of the claim.

6 **Sec. 62.** NRS 706.288 is hereby amended to read as follows:

7 706.288 The *transportation services* authority may require, by order to
8 be served on any person regulated by the *transportation services* authority
9 in the same manner as a subpoena in a civil action, the production at a time
10 and place designated by the *transportation services* authority of any books,
11 accounts, papers or records kept by the person in any office or place
12 outside this state, or verified copies in lieu thereof if the *transportation*
13 *services* authority so directs, so that an examination may be made by the
14 *transportation services* authority or under its direction, or for use as
15 testimony.

16 **Sec. 62.5.** NRS 706.2883 is hereby amended to read as follows:

17 706.2883 Any person who is aggrieved by any action or inaction of
18 ~~{the}~~ *a* taxicab authority pursuant to NRS 706.8819 is entitled to judicial
19 review of the decision in the manner provided by chapter 233B of NRS.
20 The transportation services authority may adopt such regulations as may be
21 necessary to provide for its review of decisions of ~~{the}~~ *a* taxicab authority.

22 **Sec. 63.** NRS 706.2885 is hereby amended to read as follows:

23 706.2885 1. A certificate of public convenience and necessity ~~{~~
24 ~~permit or license issued in accordance with this chapter}~~ *issued by the*
25 *transportation services authority* is not a franchise and may be revoked.

26 2. The *transportation services* authority may at any time, for good
27 cause shown, after investigation and hearing and upon 5 days' written
28 notice to the grantee, suspend any certificate ~~{, permit or license}~~ issued in
29 accordance with the provisions of NRS ~~{706.011}~~ *706.151* to 706.791,
30 inclusive, *and section 11 of this act*, for a period not to exceed 60 days.

31 3. Upon receipt of a written complaint or on its own motion, the
32 *transportation services* authority may, after investigation and hearing,
33 revoke any certificate ~~{, permit or license.}~~ If service of the notice
34 required by subsection 2 cannot be made or if the grantee relinquishes his
35 interest in the certificate ~~{, permit or license}~~ by so notifying the
36 *transportation services* authority in writing, the *transportation services*
37 authority may revoke the certificate ~~{, permit or license}~~ without a hearing.

38 4. The proceedings thereafter are governed by the provisions of
39 chapter 233B of NRS.

40 **Sec. 64.** NRS 706.291 is hereby amended to read as follows:

41 706.291 1. The ~~{authority shall require every fully regulated carrier~~
42 ~~and every operator of a tow car, within such time and in such amounts as~~
43 ~~the authority may designate, to file with the authority in a form required~~

1 ~~and approved by the authority a liability insurance policy, or a certificate of~~
2 ~~insurance in lieu thereof, or a bond of a surety company, or other surety, in~~
3 ~~such reasonable sum as the authority may deem necessary to protect~~
4 ~~adequately the interests of the public.~~

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

17 ~~{3.}~~ **2.** The liability insurance policy or certificate, policy or bond of a
18 surety company or other surety must bind the obligors thereunder to pay the
19 compensation for injuries to persons or for loss or damage to property
20 resulting from the negligent operation of the carrier ~~{.~~

21 ~~4.~~ ~~The authority and the~~ **or operator.**

22 **3.** The department may ~~{jointly}~~ prescribe by regulation the
23 ~~{respective}~~ amounts and forms required by ~~{subsections 1 and 2.}~~
24 **subsection 1.**

25 **Sec. 65.** NRS 706.296 is hereby amended to read as follows:

26 706.296 Every common and contract motor carrier ~~{who}~~ **which**
27 engages in transportation intrastate and the collection of the purchase price
28 of goods sold by the shipper to the consignee shall provide a bond, to be
29 filed with the ~~{authority,}~~ **department**, for the benefit of the shipper in an
30 amount which the ~~{authority}~~ **department** deems reasonably sufficient as an
31 aggregate but not to exceed \$1,000, to insure the shipper against any loss of
32 the ~~{moneys}~~ **money** so collected by the carrier through misappropriation,
33 negligence or other defalcations.

34 **Sec. 66.** NRS 706.303 is hereby amended to read as follows:

35 706.303 The ~~{authority}~~ **department** shall adopt regulations requiring
36 all operators of horse-drawn vehicles ~~{subject to its regulation and~~
37 ~~supervision}~~ to maintain a contract of insurance against liability for injury
38 to persons and damage to property for each such vehicle. The amounts of
39 coverage required by the regulations:

40 1. Must not exceed a total of:

41 (a) For bodily injury to or the death of one person in any one accident,
42 \$250,000;

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

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

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

8 **Sec. 67.** NRS 706.305 is hereby amended to read as follows:

9 706.305 The ~~authority~~ **department** shall adopt regulations requiring
10 all operators of taxicabs subject to ~~its~~ **the** regulation and supervision **of a**
11 **taxicab authority** to maintain a contract of insurance against liability for
12 injury to persons and damage to property for each taxicab. The amounts of
13 coverage required by the regulations:

14 1. Must not exceed a total of:

15 (a) For bodily injury to or the death of one person in any one accident,
16 \$250,000;

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

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

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

24 **Sec. 68.** NRS 706.3052 is hereby amended to read as follows:

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

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

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

36 **Sec. 69.** NRS 706.311 is hereby amended to read as follows:

37 706.311 1. ~~Except as otherwise provided in subsection 2, every~~
38 ~~common and contract motor carrier is required to furnish reasonably~~
39 ~~adequate service and facilities, and all transportation charges made by any~~
40 ~~such carrier must be just and reasonable.~~

41 ~~—2.]~~ Every operator of a tow car is required to furnish reasonably
42 adequate service and facilities, and all charges assessed for towing services
43 performed without the prior consent of the owner of the vehicle or the

1 person authorized by the owner to operate the vehicle must be just and
2 reasonable.

3 ~~{3.}~~ 2. Every unjust and unreasonable charge for *such* service by any
4 ~~{such carrier or}~~ operator of a tow car is prohibited and shall be deemed to
5 be unlawful.

6 **Sec. 70.** NRS 706.321 is hereby amended to read as follows:

7 706.321 1. ~~{Except as otherwise provided in subsection 2, every~~
8 ~~common or contract motor carrier shall file with the authority:~~

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

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

12 ~~—(2) Include all rates, fares and charges which the carrier has~~
13 ~~established and which are in force at the time of filing for any service~~
14 ~~performed in connection therewith by any carrier controlled and operated~~
15 ~~by it.~~

16 ~~—(b) As a part of that schedule, all regulations of the carrier that in any~~
17 ~~manner affect the rates or fares charged or to be charged for any service~~
18 ~~and all regulations of the carrier that the carrier has adopted to comply with~~
19 ~~the provisions of NRS 706.011 to 706.791, inclusive.~~

20 ~~—2.}~~ Every operator of a tow car shall file with the *transportation*
21 *services* authority:

22 (a) Within a time to be fixed by the *transportation services* authority,
23 schedules and tariffs that must:

24 (1) Be open to public inspection; and

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

29 (b) As a part of that schedule, all regulations of the operator of the tow
30 car which in any manner affect the rates charged or to be charged for
31 towing services performed without the prior consent of the owner of the
32 vehicle or the person authorized by the owner to operate the vehicle and all
33 regulations of the operator of the tow car that the operator has adopted to
34 comply with the provisions of NRS ~~{706.011}~~ *706.151* to 706.791,
35 inclusive ~~{.~~

36 ~~—3.}~~ , and section 11 of this act.

37 2. No changes may be made ~~{in any schedule, including schedules of~~
38 ~~joint rates, or}~~ in the regulations affecting any rates or charges, except upon
39 ~~{30}~~ 60 days' notice to the *transportation services* authority . ~~{, and all~~
40 ~~those changes must be plainly indicated on any new schedules filed in lieu~~
41 ~~thereof 30 days before the time they are to take effect.}~~ The *transportation*
42 *services* authority, upon application of any ~~{carrier,}~~ *operator of a tow car,*
43 may prescribe a shorter time within which changes may be made. The ~~{30}~~

1 60 days' notice is not applicable when the ~~carrier~~ *operator of a tow car*
2 gives written notice to the *transportation services* authority 10 days before
3 the effective date of its participation in a tariff bureau's rates and tariffs,
4 provided the rates and tariffs have been previously filed with and approved
5 by the *transportation services* authority.

6 ~~[4.]~~ 3. The *transportation services* authority may at any time, upon its
7 own motion, investigate any of the rates, fares, charges, regulations,
8 practices and services filed pursuant to this section and, after hearing, by
9 order, make such changes as may be just and reasonable.

10 ~~[5.]~~ 4. The *transportation services* authority may dispense with the
11 hearing on any change requested in rates, fares, charges, regulations,
12 practices or service filed pursuant to this section.

13 ~~[6.]~~ 5. All rates, fares, charges, classifications and joint rates,
14 regulations, practices and services fixed by the *transportation services*
15 authority are in force, and are prima facie lawful, from the date of the order
16 until changed or modified by the *transportation services* authority, or
17 pursuant to NRS 706.2883.

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

22 **Sec. 71.** NRS 706.323 is hereby amended to read as follows:

23 706.323 1. Except as otherwise provided in subsection 2, the
24 *transportation services* authority may not investigate, suspend, revise or
25 revoke any rate that is subject to the approval of the *transportation services*
26 authority pursuant to NRS 706.321 and proposed by ~~a common motor~~
27 ~~carrier or contract motor carrier~~ *an operator of a tow car* because the rate
28 is too high or too low and therefore unreasonable if:

29 (a) The ~~motor carrier~~ *operator of a tow car* notifies the *transportation*
30 *services* authority that it wishes to have the rate reviewed by the
31 *transportation services* authority pursuant to this subsection; and

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

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

38 **Sec. 72.** NRS 706.326 is hereby amended to read as follows:

39 706.326 1. Whenever there is filed with the *transportation services*
40 authority pursuant to NRS 706.321 any schedule or tariff stating a new or
41 revised individual or joint rate, fare or charge, or any new or revised
42 individual or joint regulation or practice affecting any rate, fare or charge,
43 or any schedule or tariff resulting in a discontinuance, modification or

1 restriction of service, the **transportation services** authority may commence
2 an investigation or, upon reasonable notice, hold a hearing concerning the
3 propriety of the rate, fare, charge, classification, regulation, discontinuance,
4 modification, restriction or practice.

5 2. Pending the investigation or hearing and the decision thereon, the
6 **transportation services** authority, upon delivering to the ~~{common or~~
7 ~~contract motor carrier}~~ **operator of a tow car** affected thereby a statement
8 in writing of its reasons for the suspension, may suspend the operation of
9 the schedule or tariff and defer the use of the rate, fare, charge,
10 classification, regulation, discontinuance, modification, restriction or
11 practice, but not for a longer period than 150 days beyond the ~~{time}~~ **date**
12 when the rate, fare, charge, classification, regulation, discontinuance,
13 modification, restriction or practice would otherwise go into effect.

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

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

29 **Sec. 73.** NRS 706.331 is hereby amended to read as follows:

30 706.331 1. If, after due investigation and hearing, any authorized
31 rates, tolls, fares, charges, schedules, tariffs, joint rates or any regulation ~~or~~
32 ~~measurement, practice, act or service}~~ that is subject to the approval of the
33 **transportation services** authority is complained of and is found to be
34 unjust, unreasonable, insufficient, preferential, unjustly discriminatory or
35 otherwise in violation of the provisions of this chapter, or if it is found that
36 the service is inadequate, or that any reasonable service cannot be obtained,
37 the **transportation services** authority may substitute therefor such other
38 rates, tolls, fares, charges, tariffs, schedules or regulations, ~~{measurements,~~
39 ~~practices, service or acts}~~ and make an order relating thereto as may be just
40 and reasonable.

41 2. When complaint is made of more than one matter, the
42 **transportation services** authority may order separate hearings upon the
43 several matters complained of at such times and places as it may prescribe.

1 3. No complaint may at any time be dismissed because of the absence
2 of direct damage to the complainant.

3 4. The **transportation services** authority may at any time, upon its own
4 motion, investigate any of the matters listed in subsection 1, and, after a full
5 hearing, by order, make such changes as may be just and reasonable, the
6 same as if a formal complaint had been made.

7 **Sec. 74.** NRS 706.341 is hereby amended to read as follows:

8 706.341 ~~{1.}~~ An operator of a tow car shall, in the manner prescribed
9 by the **transportation services** authority, notify the **transportation services**
10 authority if the operator discontinues providing towing services from an
11 operating terminal or establishes a new operating terminal from which a
12 tow car provides towing services within 30 days after the operator
13 discontinues providing towing services from an operating terminal or
14 commences operations at the new terminal.

15 ~~{2.—A common motor carrier, other than an operator of a tow car,
16 authorized to operate by NRS 706.011 to 706.791, inclusive, shall not
17 discontinue any service established pursuant to the provisions of NRS
18 706.011 to 706.791, inclusive, and all other laws relating thereto and made
19 applicable thereto by NRS 706.011 to 706.791, inclusive, without an order
20 of the authority granted only after public notice or hearing in the event of
21 protest.}~~

22 **Sec. 75.** NRS 706.346 is hereby amended to read as follows:

23 706.346 1. Except as otherwise provided in subsection 3, a copy, or
24 so much of the schedule or tariff as the **transportation services** authority
25 determines necessary for the use of the public, must be printed in plain type
26 and posted ~~{in every office of a common motor carrier where payments are
27 made by customers or users,}~~ **by each operator of a tow car in such places**
28 **as the transportation services authority may require which are** open to the
29 public ~~{, in such form and place}~~ **so** as to be readily accessible to the public
30 and conveniently inspected.

31 2. Except as otherwise provided in subsection 3, ~~{when}~~ **if** a schedule
32 or tariff of joint rates or charges is or may be in force between two or more
33 ~~{common motor carriers or between any such carrier and a public utility,}~~
34 **operators of tow cars**, the schedule or tariff must be printed and posted in
35 the manner prescribed in subsection 1.

36 3. Only the rates for towing services performed without the prior
37 consent of the owner of the vehicle or the person authorized by the owner
38 to operate the vehicle must be printed and posted by an operator of a tow
39 car pursuant to subsections 1 and 2.

40 **Sec. 76.** NRS 706.351 is hereby amended to read as follows:

41 706.351 1. It is unlawful for:

42 (a) A ~~{fully regulated}~~ **taxicab motor carrier or limousine motor** carrier
43 to furnish any pass, frank, free or reduced rates for transportation to any

1 state, city, district, county or municipal officer of this state or to any person
2 other than those specifically enumerated in this section.

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

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

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

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

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

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

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

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

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

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

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

31 (i) Students of institutions of learning, including, without limitation,
32 homeless students, whether the free or reduced rate is given directly to a
33 student or to the board of trustees of a school district on behalf of a student.

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

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

38 ~~—(a) Their officers, commission agents or employees, or members of any
39 profession licensed under Title 54 of NRS retained by them, or pensioned
40 or disabled former employees, together with that of their dependents.~~

41 ~~—(b) Witnesses attending any legal investigations in which such carriers
42 are interested.~~

43 ~~—(c) Persons providing relief in cases of common disaster.~~

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

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

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

~~—7.]~~ As used in this section, “employees” includes:

(a) Furloughed, pensioned and superannuated employees.

(b) Persons who have become disabled or infirm in the service of ~~{such carriers.}~~ **a taxicab motor carrier or limousine motor carrier.**

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

Sec. 77. NRS 706.361 is hereby amended to read as follows:

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

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

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

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

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

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

(d) Ensure that each employee is trained in accordance with the requirements of 49 C.F.R. § 37.173.

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

1 5. It is unlawful for any common motor carrier, contract motor carrier ,
2 *taxicab motor carrier, limousine motor carrier* or other entity providing a
3 means of public conveyance or transportation operating within this state, to:

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

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

9 (c) Fail to conduct the training sessions in the manner described in
10 subsection 3.

11 6. As used in this section, “disability” has the meaning ascribed to it in
12 49 C.F.R. § 37.3.

13 **Sec. 78.** NRS 706.366 is hereby amended to read as follows:

14 706.366 1. It is unlawful for a common motor carrier of passengers ,
15 *taxicab motor carrier, limousine motor carrier* or other means of public
16 conveyance or transportation operating in this state to:

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

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

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

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

28 3. Visually, aurally or physically handicapped persons accompanied by
29 guide dogs, hearing dogs, helping dogs or other service animals are subject
30 to the same conditions and limitations that apply to persons who are not so
31 handicapped and accompanied.

32 4. For the purposes of this section, the terms “guide dog,” “hearing
33 dog,” “helping dog” and “service animal” have the meanings ascribed to
34 them respectively in NRS 426.075, 426.081, 426.083 and 426.097.

35 **Sec. 79.** NRS 706.386 is hereby amended to read as follows:

36 706.386 It is unlawful, except as otherwise provided in NRS
37 ~~{373.117,}~~ 706.446, 706.453 and 706.745, for ~~{any fully regulated common~~
38 ~~motor carrier}~~ *a person* to operate as ~~{a carrier of intrastate commerce and~~
39 ~~any}~~ *an* operator of a tow car to perform towing services *performed*
40 *without the prior consent of the owner of the vehicle or the person*
41 *authorized by the owner to operate the vehicle* within this state without
42 first obtaining a certificate of public convenience and necessity from the
43 *transportation services* authority.

1 **Sec. 80.** NRS 706.398 is hereby amended to read as follows:

2 706.398 The *transportation services* authority:

3 1. Shall revoke or suspend, pursuant to the provisions of this chapter,
4 the certificate of public convenience and necessity of ~~{a common motor~~
5 ~~carrier}~~ *an operator of a tow car* which has failed to:

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

8 (b) Operate as ~~{a carrier of intrastate commerce}~~ *an operator of a tow*
9 *car* in this state under the terms and conditions of its certificate,
10 unless the ~~{carrier}~~ *operator* has obtained the prior permission of the
11 *transportation services* authority.

12 2. May revoke or suspend, pursuant to the provisions of NRS
13 706.2885, the certificate of public convenience and necessity of ~~{a common~~
14 ~~motor carrier}~~ *an operator of a tow car* which has failed to comply with
15 any provision of this chapter or any regulation of the *transportation*
16 *services* authority adopted pursuant thereto.

17 **Sec. 81.** NRS 706.411 is hereby amended to read as follows:

18 706.411 Every order *by the transportation services authority* refusing
19 or granting any certificates of public convenience and necessity, or granting
20 or refusing permission to discontinue, modify or restrict service is prima
21 facie lawful from the date of the order until changed or modified by the
22 order of the *transportation services* authority pursuant to the provisions of
23 this chapter.

24 **Sec. 82.** NRS 706.445 is hereby amended to read as follows:

25 706.445 The *transportation services* authority may not regulate the:

26 1. Geographical area in which towing services *performed without the*
27 *prior consent of the owner of the vehicle or the person authorized by the*
28 *owner to operate the vehicle* are provided;

29 2. Types of towing services *performed without the prior consent of*
30 *the owner of the vehicle or the person authorized by the owner to operate*
31 *the vehicle* that are provided; or

32 3. Rates and charges assessed or the terms and conditions imposed for
33 towing services performed with the prior consent of the owner of the
34 vehicle or the person authorized by the owner to operate the vehicle,
35 by an operator of a tow car.

36 **Sec. 83.** NRS 706.446 is hereby amended to read as follows:

37 706.446 The provisions of this chapter do not require an operator of a
38 tow car who provides towing for a licensed motor club regulated pursuant
39 to chapter 696A of NRS to obtain a certificate of public convenience and
40 necessity or to comply with the regulations or rates adopted by the
41 *transportation services* authority to provide that towing.

1 **Sec. 84.** NRS 706.4463 is hereby amended to read as follows:

2 706.4463 1. In addition to the other requirements of this chapter,
3 each operator of a tow car shall, to protect the health, safety and welfare of
4 the public:

5 (a) Obtain a certificate of public convenience and necessity from the
6 *transportation services* authority before he provides any services other than
7 those services which he provides as a private motor carrier of property
8 pursuant to the provisions of this chapter;

9 (b) Use a tow car of sufficient size and weight which is appropriately
10 equipped to transport safely the vehicle which is being towed; and

11 (c) Comply with the provisions of NRS ~~706.011~~ *706.151* to 706.791,
12 inclusive ~~1~~, and *section 11 of this act*.

13 2. A person who wishes to obtain a certificate of public convenience
14 and necessity to operate a tow car must file an application with the
15 *transportation services* authority.

16 3. The *transportation services* authority shall issue a certificate of
17 public convenience and necessity to an operator of a tow car if it
18 determines that the applicant:

19 (a) Complies with the requirements of paragraphs (b) and (c) of
20 subsection 1;

21 (b) Complies with the requirements of the regulations adopted by the
22 *transportation services* authority pursuant to the provisions of this chapter;

23 (c) Has provided evidence that he has filed with the ~~{authority}~~
24 *department* a liability insurance policy, a certificate of insurance or a bond
25 of a surety and bonding company or other surety required for every
26 operator of a tow car pursuant to the provisions of NRS 706.291; and

27 (d) Has provided evidence that he has filed with the *transportation*
28 *services* authority schedules and tariffs pursuant to ~~{subsection 2 of}~~ NRS
29 706.321.

30 4. An applicant for a certificate has the burden of proving to the
31 *transportation services* authority that the proposed operation will meet the
32 requirements of subsection 3.

33 5. The *transportation services* authority may hold a hearing to
34 determine whether an applicant is entitled to a certificate only if:

35 (a) Upon the expiration of the time fixed in the notice that an application
36 for a certificate of public convenience and necessity is pending, a petition
37 to intervene has been granted by the *transportation services* authority; or

38 (b) The *transportation services* authority finds that after reviewing the
39 information provided by the applicant and inspecting the operations of the
40 applicant, it cannot make a determination as to whether the applicant has
41 complied with the requirements of subsection 3.

1 **Sec. 85.** NRS 706.4464 is hereby amended to read as follows:

2 706.4464 1. An operator of a tow car who is issued a certificate of
3 public convenience and necessity may transfer it to another operator of a
4 tow car qualified pursuant to the provisions of NRS ~~706.011~~ 706.151 to
5 706.791, inclusive, *and section 11 of this act*, but no such transfer is valid
6 for any purpose until a joint application to make the transfer is made to the
7 *transportation services* authority by the transferor and the transferee, and
8 the *transportation services* authority has authorized the substitution of the
9 transferee for the transferor. No transfer of stock of a corporate operator of
10 a tow car subject to the jurisdiction of the *transportation services* authority
11 is valid without the prior approval of the *transportation services* authority
12 if the effect of the transfer would be to change the corporate control of the
13 operator of a tow car or if a transfer of 15 percent or more of the common
14 stock of the operator of a tow car is proposed.

15 2. The *transportation services* authority shall approve an application
16 filed with it pursuant to subsection 1 if it determines that the transferee:

17 (a) Complies with the provisions of NRS ~~706.011~~ 706.151 to 706.791,
18 inclusive, *and section 11 of this act*, and the regulations adopted by the
19 *transportation services* authority pursuant to those provisions;

20 (b) Uses equipment that is in compliance with the regulations adopted
21 by the *transportation services* authority;

22 (c) Has provided evidence that he has filed with the ~~{authority}~~
23 *department* a liability insurance policy, a certificate of insurance or a bond
24 of a surety and bonding company or other surety required for every
25 operator of a tow car pursuant to the provisions of NRS 706.291; and

26 (d) Has provided evidence that he has filed with the *transportation*
27 *services* authority schedules and tariffs pursuant to NRS 706.321 which
28 contain rates and charges and the terms and conditions that the operator of
29 the tow car requires to perform towing services without the prior consent of
30 the owner of the vehicle or the person authorized by the owner to operate
31 the vehicle which do not exceed the rates and charges that the transferor
32 was authorized to assess for the same services.

33 3. The *transportation services* authority may hold a hearing
34 concerning an application submitted pursuant to this section only if:

35 (a) Upon the expiration of the time fixed in the notice that an application
36 for transfer of a certificate of public convenience and necessity is pending,
37 a petition to intervene has been granted by the *transportation services*
38 authority; or

39 (b) The *transportation services* authority finds that after reviewing the
40 information provided by the applicant and inspecting the operations of the
41 applicant, it cannot make a determination as to whether the applicant has
42 complied with the requirements of subsection 2.

1 4. The **transportation services** authority shall not hold a hearing on an
2 application submitted pursuant to this section if the application is made to
3 transfer the certificate of public convenience and necessity from a natural
4 person or partners to a corporation whose controlling stockholders will be
5 substantially the same person or partners.

6 5. The approval by the **transportation services** authority of an
7 application for transfer of a certificate of public convenience and necessity
8 of an operator of a tow car is not valid after the expiration of the term for
9 the transferred certificate.

10 **Sec. 86.** NRS 706.4468 is hereby amended to read as follows:

11 706.4468 1. Each operator of a tow car shall file its charges for
12 preparing or satisfying a lien to which the operator is entitled against a
13 vehicle that was towed without the prior consent of the owner of the vehicle
14 or the person authorized by the owner to operate the vehicle. The
15 **transportation services** authority may investigate any charge filed pursuant
16 to this subsection and revise the charge as necessary to ensure that the
17 charge is reasonable.

18 2. An operator of a tow car may not impose a charge or any part of a
19 charge filed pursuant to subsection 1 unless the operator:

20 (a) Has initiated the procedure by which a person may satisfy a lien; and

21 (b) Stores the vehicle for at least 96 hours.

22 3. If an operator of a tow car stores a vehicle that was towed without
23 the prior consent of the owner of the vehicle or the person authorized by the
24 owner to operate the vehicle for at least 96 hours but not more than 336
25 hours, the operator may charge an amount not to exceed 50 percent of the
26 charge approved by the **transportation services** authority pursuant to
27 subsection 1 for preparing or satisfying a lien.

28 4. If an operator of a tow car stores a vehicle that was towed without
29 the prior consent of the owner of the vehicle or the person authorized by the
30 owner to operate the vehicle for more than 336 hours, the operator may
31 charge an amount not to exceed 50 percent of the charge approved by the
32 **transportation services** authority pursuant to subsection 1 for preparing or
33 satisfying a lien in addition to the amount charged pursuant to subsection 3.

34 **Sec. 87.** NRS 706.4473 is hereby amended to read as follows:

35 706.4473 The operator shall inform each owner, or agent of the owner,
36 of a towed motor vehicle that the owner or agent may file a complaint with
37 the **transportation services** authority regarding any violation of the
38 provisions of this chapter.

39 **Sec. 88.** NRS 706.4483 is hereby amended to read as follows:

40 706.4483 1. The **transportation services** authority shall act upon
41 complaints regarding the failure of an operator of a tow car to comply with
42 the provisions of NRS ~~706.011~~ **706.151** to 706.791, inclusive ~~1~~, and

43 **section 11 of this act.**

2. In addition to any other remedies that may be available to the *transportation services* authority to act upon complaints, the *transportation services* authority may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the *transportation services* authority determines to be appropriate.

Sec. 89. NRS 706.4485 is hereby amended to read as follows:

706.4485 A law enforcement agency that maintains and uses a list of operators of tow cars which are called by that agency to provide towing shall not include an operator of a tow car on the list unless he:

1. Holds a certificate of public convenience and necessity issued by the *transportation services* authority.

2. Complies with all applicable provisions of this chapter and chapters 482 and 484 of NRS.

3. Agrees to respond in a timely manner to requests for towing made by the agency.

4. Maintains adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed.

5. Complies with all standards the law enforcement agency may adopt to protect the health, safety and welfare of the public.

6. Assesses only rates and charges that have been approved by the *transportation services* authority 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.

7. The *transportation services* authority shall not require that an operator of a tow car charge the same rate to law enforcement agencies 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 that the operator charges to other persons for such services.

Sec. 90. NRS 706.449 is hereby amended to read as follows:

706.449 The *transportation services* authority may impose an administrative fine pursuant to subsection 2 of NRS 706.771 on the owner or operator of a tow car who fails to pay in a timely manner any charge required to be paid by subsection 2 of NRS 484.631.

Sec. 91. NRS 706.451 is hereby amended to read as follows:

706.451 1. Each owner or operator of a tow car subject to the jurisdiction of the *transportation services* authority shall, before commencing to operate or continuing operation after July 1, 1971, and annually thereafter, pay to the *transportation services* authority for each tow car operated, a fee of not more than ~~[\$36.]~~ \$75.

2. The fee provided in this section must be paid on or before January 1 of each year.

3. The initial fee must be reduced one-twelfth for each month which has elapsed since the beginning of the calendar year before July 1, 1971,

1 for those tow cars lawfully operating on that date or before the
2 commencement of operation of each tow car commencing operation after
3 July 1, 1971.

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

8 **Sec. 92.** NRS 706.457 is hereby amended to read as follows:

9 706.457 The **transportation services** authority may by supoena
10 require any person believed by it to be subject to any of the provisions of
11 NRS ~~[706.011]~~ **706.151** to 706.791, inclusive, **and section 11 of this act**,
12 who has not obtained a required certificate of public convenience and
13 necessity ~~[or a required permit]~~ issued in accordance with those sections, to
14 appear before it with all ~~[of]~~ his relevant books, papers and records and to
15 testify concerning the scope, nature and conduct of his business.

16 **Sec. 93.** NRS 706.458 is hereby amended to read as follows:

17 706.458 1. The district court in and for the county in which any
18 investigation or hearing is being conducted by the **transportation services**
19 authority pursuant to the provisions of this chapter may compel the
20 attendance of witnesses, the giving of testimony and the production of
21 books and papers as required by any subpoena issued by the **transportation**
22 **services** authority.

23 2. If any witness refuses to attend or testify or produce any papers
24 required by such subpoena the **transportation services** authority may report
25 to the district court in and for the county in which the investigation or
26 hearing is pending by petition, setting forth:

27 (a) That due notice has been given of the time and place of attendance of
28 the witness or the production of the books and papers;

29 (b) That the witness has been subpoenaed in the manner prescribed in
30 this chapter; and

31 (c) That the witness has failed and refused to attend or produce the
32 papers required by subpoena in the investigation or hearing named in the
33 subpoena, or has refused to answer questions propounded to him in the
34 course of such investigation or hearing,
35 and asking an order of the court compelling the witness to attend and testify
36 or produce the books or papers.

37 3. The court, upon petition of the **transportation services** authority,
38 shall enter an order directing the witness to appear before the court at a
39 time and place to be fixed by the court in such order, the time to be not
40 more than 10 days ~~[from]~~ **after** the date of the order, and then and there
41 show cause why he has not attended or testified or produced the books or
42 papers before the **transportation services** authority. A certified copy of the
43 order must be served upon the witness. If it appears to the court that the

1 subpoena was regularly issued, the court shall thereupon enter an order that
2 the witness appear at the time and place fixed in the order and testify or
3 produce the required books or papers, and upon failure to obey the order
4 the witness must be dealt with as for contempt of court.

5 **Sec. 94.** NRS 706.461 is hereby amended to read as follows:

6 706.461 When:

7 1. A complaint has been filed with the *transportation services*
8 authority alleging that any vehicle is being operated without a certificate of
9 public convenience and necessity ~~for contract carrier's permit~~ as required
10 by NRS ~~706.011~~ *706.151* to 706.791, inclusive ~~;~~, *and section 11 of this*
11 *act*; or

12 2. The *transportation services* 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; or~~

15 ~~—(2) Towing services;~~ *towing services performed without the prior*
16 *consent of the owner of the vehicle or the person authorized by the owner*
17 *to operate the vehicle* without including the number of his certificate of

18 public convenience and necessity or permit in each advertisement; or

19 (b) Provision of NRS ~~706.011~~ *706.151* to 706.791, inclusive, *and*
20 *section 11 of this act*, is being violated,

21 the *transportation services* authority shall investigate the operations or
22 advertising and may, after a hearing, order the owner or operator of the
23 vehicle or the person advertising to cease and desist from any operation or
24 advertising in violation of NRS ~~706.011~~ *706.151* to 706.791, inclusive ~~;~~
25 *, and section 11 of this act*. The *transportation services* authority shall
26 enforce compliance with the order pursuant to the powers vested in the
27 *transportation services* authority by NRS ~~706.011~~ *706.151* to 706.791,
28 inclusive, *and section 11 of this act*, or by other law.

29 **Sec. 95.** NRS 706.473 is hereby amended to read as follows:

30 706.473 1. In a county whose population is less than 400,000, a
31 person who holds a certificate of public convenience and necessity which
32 was issued for the operation of a taxicab business *subject to the*
33 *jurisdiction of a taxicab authority* may, upon approval from the *taxicab*
34 authority, lease a taxicab to an independent contractor who does not hold a
35 certificate of public convenience and necessity. A person may lease only
36 one taxicab to each independent contractor with whom he enters into a
37 lease agreement. The taxicab may be used only in a manner authorized by
38 the lessor's certificate of public convenience and necessity.

39 2. A person who enters into a lease agreement with an independent
40 contractor pursuant to this section shall submit a copy of the agreement to
41 the *appropriate taxicab* authority for its approval. The agreement is not
42 effective until approved by the *taxicab* authority.

1 3. A person who leases a taxicab to an independent contractor is jointly
2 and severally liable with the independent contractor for any violation of the
3 provisions of this chapter *relating to the regulation of taxicabs* or the
4 regulations adopted pursuant thereto, and shall ensure that the independent
5 contractor complies with such provisions and regulations.

6 4. The *taxicab* authority *which has jurisdiction over a lease*
7 *agreement* or ~~any of its employees~~ *its administrator* may intervene in a
8 civil action involving a lease agreement entered into pursuant to this
9 section.

10 **Sec. 96.** NRS 706.475 is hereby amended to read as follows:

11 706.475 1. ~~The~~ *A taxicab* authority shall adopt such regulations as
12 are necessary to:

13 (a) Carry out the provisions of NRS 706.473; and

14 (b) Ensure that the taxicab business remains safe, adequate and reliable.

15 2. Such regulations must include, without limitation:

16 (a) The minimum qualifications for an independent contractor;

17 (b) ~~Requirements related to liability insurance;~~

18 ~~—(c)—~~ Minimum safety standards; and

19 ~~[(d)]~~ (c) The procedure for approving a lease agreement and the
20 provisions that must be included in a lease agreement concerning the
21 grounds for the revocation of such approval.

22 **Sec. 97.** NRS 706.491 is hereby amended to read as follows:

23 706.491 Every person operating as a common, contract or private
24 motor carrier , *a taxicab motor carrier, a limousine motor carrier or an*
25 *operator of a tow car* must, before commencing operation in this state in
26 any calendar year, secure from the department a license and make payments
27 therefor as provided in NRS ~~706.011~~ *706.151* to 706.861, inclusive, *and*
28 *section 11 of this act*, as applicable.

29 **Sec. 98.** NRS 706.631 is hereby amended to read as follows:

30 706.631 The remedies of the state provided for in NRS ~~706.011~~
31 *706.151* to 706.861, inclusive, *and section 11 of this act* are cumulative,
32 and no action taken by the department or *transportation services* authority
33 may be construed to be an election on the part of the state or any of its
34 officers to pursue any remedy under NRS ~~706.011~~ *706.151* to 706.861,
35 inclusive, *and section 11 of this act*, to the exclusion of any other remedy
36 for which provision is made in NRS ~~706.011~~ *706.151* to 706.861,
37 inclusive ~~[-]~~ , *and section 11 of this act*.

38 **Sec. 99.** NRS 706.736 is hereby amended to read as follows:

39 706.736 1. Except as otherwise provided in subsection 2, the
40 provisions of NRS ~~706.011~~ *706.151* to 706.791, inclusive, *and section 11*
41 *of this act* do not apply to:

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

1 (b) Any person engaged in transporting his own personal effects in his
2 own vehicle, but the provisions of this subsection do not apply to any
3 person engaged in transportation by vehicle of property sold or to be sold,
4 or used by him in the furtherance of any commercial enterprise other than
5 as provided in paragraph (d), or to the carriage of any property for
6 compensation.

7 (c) Special mobile equipment.

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

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

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

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

20 (a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 **or**
21 **subsection 2 of NRS 706.172, as appropriate,** and NRS 706.235 to
22 706.256, inclusive, 706.281, 706.457 and 706.458.

23 (b) All rules and regulations adopted by reference pursuant to
24 ~~{paragraph (b) of subsection 1 of NRS 706.171}~~ **NRS 706.151 to 706.791,**
25 **inclusive, and section 11 of this act, by the department or transportation**
26 **services authority, as appropriate,** concerning the safety of drivers and
27 vehicles.

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

29 3. The provisions of NRS 706.311 to 706.453, inclusive, ~~[706.471,~~
30 ~~706.473, 706.475 and 706.6411]~~ which authorize the **transportation**
31 **services** authority to issue ~~;~~

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

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

40 4. Any person who operates pursuant to a claim of an exemption
41 provided by this section but who is found to be operating in a manner not
42 covered by any of those exemptions immediately becomes liable, in
43 addition to any other penalties provided in this chapter, for the fee

1 appropriate to his actual operation as prescribed in this chapter, computed
2 from the date when that operation began.

3 **Sec. 100.** NRS 706.745 is hereby amended to read as follows:

4 706.745 1. The provisions of NRS 706.386 ~~and 706.421~~ do not
5 apply to ambulances or hearses.

6 2. ~~{A}~~ **If a** common motor carrier ~~{that}~~ enters into an agreement for
7 the purchase of its service by an incorporated city, county or regional
8 transportation commission ~~{is not required to obtain a certificate of public~~
9 ~~convenience and necessity}~~ to operate a system of public transit consisting
10 of:

11 (a) Regular routes and fixed schedules;

12 (b) Nonemergency medical transportation of persons to facilitate their
13 use of a center as defined in NRS 435.170, if the transportation is available
14 upon request and without regard to regular routes or fixed schedules;

15 (c) Nonmedical transportation of disabled persons without regard to
16 regular routes or fixed schedules; or

17 (d) In a county whose population is less than 100,000 or an incorporated
18 city within such a county, nonmedical transportation of persons if the
19 transportation is available by reservation 1 day in advance of the
20 transportation and without regard to regular routes or fixed schedules, ~~+~~

21 ~~—3.— Under any agreement for a system of public transit that provides for~~
22 ~~the transportation of passengers that is described in subsection 2:~~

23 ~~—(a) The~~ **the** public entity shall, **if it is able to do so**, provide for any
24 required safety inspections. ~~+~~ ~~or~~

25 ~~—(b) If the public entity is unable to do so, the authority shall provide for~~
26 ~~any required safety inspections.~~

27 ~~—4.—~~ **3.** In addition to the requirements of subsection ~~{3,}~~ **2**, under an
28 agreement for a system of public transit that provides for the transportation
29 of passengers that is described in:

30 (a) Paragraph (a) of subsection 2, the public entity shall establish the
31 routes and fares.

32 (b) Paragraph (c) or (d) of subsection 2, the common motor carrier:

33 (1) May provide transportation to any passenger who can board a
34 vehicle with minimal assistance from the operator of the vehicle.

35 (2) Shall not offer medical assistance as part of its transportation
36 service.

37 ~~{5.}~~ **4.** A nonprofit carrier of elderly or disabled persons is not
38 required to obtain a certificate of public convenience and necessity to
39 operate as a ~~{common}~~ **taxicab** motor carrier **or limousine motor carrier** of
40 such passengers only, but such a carrier is not exempt from inspection by
41 ~~{the}~~ **a taxicab** authority to determine whether its vehicles and their
42 operation are safe.

1 ~~[6.]~~ 5. An incorporated city, county or regional transportation
2 commission is not required to obtain a certificate of public convenience and
3 necessity to operate a system of public transportation ~~[.]~~ *which uses*
4 *taxicabs, limousines or other vehicles for passenger service that would*
5 *otherwise be subject to the jurisdiction of a taxicab authority pursuant to*
6 *this chapter.*

7 ~~[7.]~~ 6. Before an incorporated city or a county enters into an
8 agreement with a common motor carrier for a system of public transit that
9 provides for the transportation of passengers that is described in paragraph
10 (c) or (d) of subsection 2 in an area of the incorporated city or an area of
11 the county, it must determine that:

12 (a) There are no other common motor carriers of passengers who are
13 authorized to provide such services in that area; or

14 (b) Although there are other common motor carriers of passengers who
15 are authorized to provide such services in the area, the common motor
16 carriers of passengers do not wish to provide, or are not capable of
17 providing, such services.

18 **Sec. 101.** NRS 706.756 is hereby amended to read as follows:

19 706.756 1. Except as otherwise provided in subsection 2, any person
20 who:

21 (a) Operates a vehicle or causes it to be operated in any carriage to
22 which the provisions of NRS ~~[706.011]~~ *706.151* to 706.861, inclusive, *and*
23 *section 11 of this act* apply without first obtaining a certificate, permit or
24 license, or in violation of the terms thereof;

25 (b) Fails to make any return or report required by the provisions of NRS
26 ~~[706.011]~~ *706.151* to 706.861, inclusive, *and section 11 of this act* or by
27 the *transportation services* authority or the department pursuant to the
28 provisions of NRS ~~[706.011]~~ *706.151* to 706.861, inclusive ~~[.]~~, *and*
29 *section 11 of this act*;

30 (c) Violates, or procures, aids or abets the violating of, any provision of
31 NRS ~~[706.011]~~ *706.151* to 706.861, inclusive ~~[.]~~, *and section 11 of this*
32 *act*;

33 (d) Fails to obey any order, decision or regulation of the *transportation*
34 *services* authority or the department;

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

38 (f) Advertises, solicits, proffers bids or otherwise holds himself out to
39 perform ~~[transportation as a common or contract carrier]~~ *towing services*
40 *performed without the prior consent of the owner of the vehicle or the*
41 *person authorized by the owner to operate the vehicle* in violation of any
42 of the provisions of NRS ~~[706.011]~~ *706.151* to 706.861, inclusive ~~[.]~~, *and*
43 *section 11 of this act*;

44 (g) Advertises as providing ~~[.]~~

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

1 *authority from suspending or revoking any certificate, permit or license*
2 *of the person convicted. The imposition of a fine or the suspension or*
3 *revocation of any certificate, permit or license by the transportation*
4 *services authority does not operate as a defense in any proceeding*
5 *brought against the person by the transportation services authority*
6 *pursuant to this chapter.*

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

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

11 **Sec. 102.** NRS 706.761 is hereby amended to read as follows:

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

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

29 *3. If, after a hearing, the transportation services authority finds that*
30 *a person to whom a certificate has been issued has refused or failed to*
31 *produce a record or allow an inspection in violation of this section, the*
32 *transportation services authority may, upon 5 days' written notice,*
33 *suspend the certificate.*

34 **Sec. 103.** NRS 706.766 is hereby amended to read as follows:

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

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

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

Sec. 104. NRS 706.771 is hereby amended to read as follows:

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

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

3. All administrative fines imposed and collected by the *transportation services* authority pursuant to subsection 2 are payable to the state treasurer and must be credited to ~~{a-separate-account-to-be-used-by-the-authority-to-enforce-the-provisions-of-this-chapter.}~~ *the state highway fund*.

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

Sec. 105. NRS 706.776 is hereby amended to read as follows:

706.776 1. The owner or operator of a motor vehicle to which any provisions of ~~{NRS 706.011 to 706.861, inclusive,}~~ *this chapter* apply carrying passengers or property on any highway in the State of Nevada shall not require or permit any driver of the motor vehicle to drive it in any one period longer than the time permitted for that period by the order of the *appropriate taxicab* authority or the department.

2. In addition to other persons so required, the labor commissioner shall enforce the provisions of this section.

Sec. 106. NRS 706.779 is hereby amended to read as follows:

706.779 The *transportation services* authority and its inspectors may, upon halting a person for a violation of the provisions of NRS 706.386 , ~~{or}~~

1 ~~706.421,]~~ move his vehicle or cause it to be moved to the nearest garage or
2 other place of safekeeping until it is removed in a manner which complies
3 with the provisions of this chapter.

4 **Sec. 107.** NRS 706.781 is hereby amended to read as follows:

5 706.781 In addition to all the other remedies provided by NRS
6 ~~[706.011]~~ **706.151** to 706.861, inclusive, **and section 11 of this act**, for the
7 prevention and punishment of any violation of the provisions thereof and of
8 all orders of the **transportation services** authority or the department, the
9 **transportation services** authority or the department may compel
10 compliance with the provisions of NRS ~~[706.011]~~ **706.151** to 706.861,
11 inclusive, **and section 11 of this act**, and with the orders of the
12 **transportation services** authority or the department by proceedings in
13 mandamus, injunction or by other civil remedies.

14 **Sec. 108.** NRS 706.881 is hereby amended to read as follows:

15 706.881 ~~[1.]~~ **The provisions of** NRS ~~[706.8811]~~ **706.88185** to
16 706.885, inclusive, **and sections 12 to 21, inclusive, of this act, and**
17 **section 1 of Assembly Bill No. 677 of this session**, apply to ~~any county:~~

18 ~~—(a)— Whose population is 400,000 or more; or~~

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

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

26 ~~—3.— Within any such county, the provisions of this chapter which confer~~
27 ~~regulatory authority over taxicab motor carriers upon the transportation~~
28 ~~services authority do not apply.]~~ **the business of transporting passengers**
29 **by taxicabs and limousines.**

30 **Sec. 109.** NRS 706.88185 is hereby amended to read as follows:

31 706.88185 1. When ~~the~~ **a** taxicab authority has reason to believe
32 that any provision of NRS 706.881 to 706.885, inclusive, **and sections 12**
33 **to 21, inclusive, of this act**, is being violated, the taxicab authority shall
34 investigate the alleged violation. After a hearing, the taxicab authority may
35 issue an order requiring that the certificate holder cease and desist from any
36 action that is in violation of NRS 706.881 to 706.885, inclusive ~~[-~~

37 ~~—2.— The], and sections 12 to 21, inclusive, of this act.~~

38 **2. A** taxicab authority shall enforce an order issued pursuant to
39 subsection 1 in accordance with the provisions of NRS 706.881 to 706.885,
40 inclusive ~~[-], and sections 12 to 21, inclusive, of this act.~~

41 **Sec. 110.** NRS 706.8819 is hereby amended to read as follows:

42 706.8819 1. ~~[The]~~ **A** taxicab authority shall conduct hearings and
43 make final decisions in the following matters:

1 (a) Applications to adjust, alter or change the rates, charges or fares for
2 taxicab **or limousine** service;

3 (b) Applications for certificates of public convenience and necessity to
4 operate a taxicab **or limousine** service;

5 (c) Applications requesting authority to transfer any existing interest in a
6 certificate of public convenience and necessity or in a corporation that
7 holds a certificate of public convenience and necessity to operate a taxicab
8 **or limousine** business; **and**

9 (d) Applications to change the total number of allocated taxicabs in a
10 county ~~[to which NRS 706.881 to 706.885, inclusive, apply; and~~

11 ~~—(e) Appeals from final decisions of the administrator made pursuant to~~
12 ~~NRS 706.8822.]~~ **subject to the jurisdiction of the taxicab authority.**

13 2. An appeal from the final decision of ~~[the]~~ **a** taxicab authority must
14 be made to the transportation services authority.

15 **Sec. 111.** NRS 706.882 is hereby amended to read as follows:

16 706.882 1. The director of the department of business and industry
17 shall appoint a taxicab administrator **for each of the taxicab authorities**
18 from a list of three names submitted to him by **each of** the taxicab
19 ~~[authority. The]~~ **authorities respectively. Each** administrator serves at the
20 pleasure of the director ~~[The administrator]~~ **and** is in the unclassified
21 service of the state.

22 2. ~~[The]~~ **A** taxicab authority may remove ~~[the]~~ **its** administrator for
23 good cause shown.

24 3. Except as otherwise provided in NRS 284.143, ~~[the]~~ **a** taxicab
25 administrator shall devote his entire time and attention to the business of
26 his office and shall not pursue any other business or occupation or hold any
27 other office of profit.

28 **Sec. 112.** NRS 706.8821 is hereby amended to read as follows:

29 706.8821 1. ~~[The]~~ **An** administrator **of a taxicab authority** is
30 responsible for the control and regulation of the taxicab **and limousine**
31 industry in any county ~~[to which NRS 706.881 to 706.885, inclusive,~~
32 ~~apply]~~ **subject to the jurisdiction of the taxicab authority** and for the
33 administration of NRS 706.881 to 706.885, inclusive ~~[~~
34 ~~—2. The]~~ **, and sections 12 to 21, inclusive, of this act.**

35 2. **An** administrator shall appoint:

36 (a) One accountant and such auditors as are necessary to enable the
37 administrator to perform his official functions properly; and

38 (b) Such other employees as are necessary to enable the administrator to
39 perform his official functions properly.

40 **Sec. 113.** NRS 706.8822 is hereby amended to read as follows:

41 706.8822 ~~[The administrator]~~ **Except as otherwise provided in NRS**
42 **706.8829 and 706.88395, a taxicab authority** shall conduct administrative

1 hearings and make final decisions, subject to appeal by any aggrieved party
2 to the ~~{taxicab}~~ **transportation services** authority, in the following matters:

3 1. Any violation relating to the issuance of or transfer of license plates
4 for motor carriers required by either the taxicab authority or the department
5 of motor vehicles and public safety;

6 2. Complaints against certificate holders;

7 3. Complaints against taxicab **or limousine** drivers;

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

10 5. Imposition of monetary penalties.

11 **Sec. 114.** NRS 706.88235 is hereby amended to read as follows:

12 706.88235 1. Whenever ~~{the}~~ **a** taxicab authority or ~~{the}~~ **its**
13 administrator is authorized or required by law to conduct a hearing, the
14 administrator may issue subpoenas requiring the attendance of witnesses
15 before the **taxicab** authority or the administrator, respectively, together
16 with all books, memoranda, papers and other documents relative to the
17 matters for which the hearing is called and take depositions within or
18 without the state, as the circumstances of the case may require.

19 2. The district court in and for the county in which any hearing is being
20 conducted may compel the attendance of witnesses, the giving of testimony
21 and the production of books and papers as required by any subpoena issued
22 by the administrator.

23 3. In case of the refusal of any witness to attend or testify or produce
24 any papers required by the subpoena, the administrator may report to the
25 district court in and for the county in which the hearing is pending by
26 petition, setting forth:

27 (a) That due notice has been given of the time and place of attendance of
28 the witness or the production of the books and papers;

29 (b) That the witness has been subpoenaed in the manner prescribed in
30 this section; and

31 (c) That the witness has failed and refused to attend or produce the
32 papers required by subpoena before the taxicab authority or the
33 administrator in the hearing named in the subpoena, or has refused to
34 answer questions propounded to him in the course of the hearing,
35 and asking an order of the court compelling the witness to attend and testify
36 or produce the books or papers before the **taxicab** authority or the
37 administrator.

38 4. The court, upon petition of the administrator shall enter an order
39 directing the witness to appear before the court at a time and place to be
40 fixed by the court in the order, the time to be not more than 10 days ~~{from}~~
41 **after** the date of the order, and then and there show cause why he has not
42 attended or testified or produced the books or papers. A certified copy of
43 the order must be served upon the witness. If it appears to the court that the

1 subpoena was regularly issued by the administrator, the court may
2 thereupon enter an order that the witness appear before the **taxicab**
3 authority or the administrator at the time and place fixed in the order and
4 testify or produce the required books or papers, and upon failure to obey
5 the order the witness must be dealt with as for contempt of court.

6 **Sec. 115.** NRS 706.88237 is hereby amended to read as follows:

7 706.88237 ~~{The}~~ **A** taxicab authority may:

8 1. Determine the circumstances that require a temporary increase in the
9 number of taxicabs **or limousines subject to its jurisdiction** allocated
10 pursuant to NRS 706.8824; and

11 2. Allocate a temporary increase in the number of **such** taxicabs **or**
12 **limousines** pursuant to NRS 706.88245 when the circumstances require the
13 increase.

14 **Sec. 116.** NRS 706.8824 is hereby amended to read as follows:

15 706.8824 1. ~~{H}~~ **Except as otherwise provided in section 15 of this**
16 **act, in** determining whether circumstances require the establishment of a
17 system of allocations or a change in existing allocations ~~{H}~~ **for taxicabs or**
18 **limousines subject to the jurisdiction of a taxicab authority,** the taxicab
19 authority shall consider the interests, welfare, convenience, necessity and
20 well-being of the customers of taxicabs ~~{H}~~ **or limousines, as appropriate.**

21 2. Whenever circumstances require the establishment of a system of
22 allocations ~~{H}~~ **in a county subject to the jurisdiction of a taxicab**
23 **authority,** the taxicab authority shall allocate the number of taxicabs **or**
24 **limousines, as appropriate,** among the certificate holders in the county , **as**
25 **follows:**

26 **(a) For taxicabs, the allocation must be made** in a manner which
27 reflects the number of taxicabs operated by each certificate holder during
28 the 5 years immediately preceding the date of establishment of **the system**
29 **of allocations by** the taxicab authority in the county.

30 **(b) For limousines, the allocation must be made in a manner which**
31 **reflects the number of limousines operated by each certificate holder as**
32 **of October 1, 1999.**

33 3. Whenever circumstances require an increase in the existing
34 allocations ~~{,the}~~ **in addition to the automatic increases in allocations**
35 **provided by section 15 of this act, a** taxicab authority shall allocate the
36 additional taxicabs **or limousines, as appropriate,** equally among all the
37 certificate holders who apply from the area to be affected by the allocation.

38 4. Unless a certificate holder puts the additionally allocated taxicabs **or**
39 **limousines, as appropriate,** into service within 30 days after the effective
40 date of the increased allocation, the increased allocation to that certificate
41 holder is void.

42 5. ~~{The}~~ **A** taxicab authority may attach to the exercise of the rights
43 granted by the allocation any terms and conditions which in its judgment
44 the public interest may require. The taxicab authority may limit:

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

(b) The hours of service. Such a limitation must not reduce hours of service to less than 12 consecutive hours in a 24-hour period. If a limitation is placed on an allocation, taxicabs *or limousines, as appropriate*, must be marked in a distinctive manner that indicates the limitation.

6. ~~The~~ A taxicab authority shall review annually:

(a) The existing allocation of taxicabs ~~and~~ *and limousines*; and

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

7. Notwithstanding any provision of this section or section 15 of this act to the contrary, if a system of allocations for limousines has been established, a taxicab authority shall allow each person to whom a certificate of public convenience and necessity has been issued by the taxicab authority for the operation of limousines to operate not more than one limousine pursuant to that certificate. Upon issuance of the certificate, the certificate holder becomes subject to all other provisions relating to allocations that are set forth in this section and section 15 of this act.

Sec. 117. NRS 706.88245 is hereby amended to read as follows:

706.88245 1. In determining whether circumstances require a temporary increase in the number of taxicabs *or limousines subject to its jurisdiction* allocated pursuant to NRS 706.8824, ~~the~~ a taxicab authority shall consider the interests, welfare, convenience, necessity and well-being of the customers of taxicabs ~~and~~ *or limousines, as appropriate*.

2. Whenever circumstances require a temporary increase in the number of taxicabs *or limousines subject to its jurisdiction* allocated pursuant to NRS 706.8824, ~~the~~ a taxicab authority shall allocate the temporary increase equally among the certificate holders *who are taxicab motor carriers or limousine motor carriers, as appropriate, subject to the jurisdiction of the taxicab authority* in the area to be affected by the allocation.

3. ~~The~~ A taxicab authority shall determine:

(a) The number of additional taxicabs *or limousines* to be allocated;

(b) The hours of operation of the additional taxicabs ~~and~~ *or limousines*; and

(c) The duration of the temporary allocation.

4. ~~The~~ A taxicab authority may adopt regulations governing temporary increases in the allocation of taxicabs *or limousines subject to its jurisdiction* pursuant to this section.

Sec. 118. NRS 706.8825 is hereby amended to read as follows:

706.8825 1. ~~There are hereby created~~ *as special revenue funds:*

1 (a) *The taxicab authority regulatory fund for the taxicab authority for*
2 *southern Nevada; and*

3 (b) *The taxicab authority regulatory fund for the taxicab authority for*
4 *northern Nevada.*

5 2. *Except as otherwise provided in this section, all* fees collected
6 pursuant to NRS 706.881 to 706.885, inclusive, *and sections 12 to 21,*
7 *inclusive, of this act,* must be deposited with the state treasurer to the credit
8 of the *appropriate* taxicab authority *regulatory* fund . ~~[-which is hereby~~
9 ~~created as a special revenue fund.]~~ The transactions for each county *that is*
10 subject to ~~[those sections]~~ *the jurisdiction of a taxicab authority* must be
11 accounted for separately within the *appropriate* fund.

12 ~~[2.]~~ 3. The interest and income earned on the money in ~~[the]~~ *a* fund,
13 after deducting any applicable charges, must be credited to the fund.

14 ~~[3.]~~ 4. *Money collected by a taxicab authority for a fine or penalty*
15 *that is imposed on a taxicab motor carrier or limousine motor carrier by*
16 *the taxicab authority must be deposited into the state general fund.*

17 5. The revenues received pursuant to subsection 1 of NRS 706.8826
18 are hereby appropriated to defray the cost of regulating taxicabs *and*
19 *limousines* in the county or the city, respectively, making the deposit under
20 that subsection.

21 ~~[4.]~~ 6. The fees received pursuant to subsection 3 of NRS 706.8826,
22 NRS 706.8827, 706.8841 and 706.8848 to 706.885, inclusive, are hereby
23 appropriated to defray the cost of regulating taxicabs *and limousines* in the
24 county in which the certificate holder operates a taxicab *or limousine*
25 business.

26 ~~[5.]~~ 7. Any balance remaining in ~~[the]~~ *a taxicab authority regulatory*
27 fund does not revert to the state general fund. The administrator *of a*
28 *taxicab authority* may transfer to the aging services division of the
29 department of human resources any balance over \$200,000 and any interest
30 earned on the ~~[fund,]~~ *taxicab authority regulatory fund for that taxicab*
31 *authority,* within the limits of legislative authorization for each fiscal year,
32 to subsidize transportation for the elderly and the permanently handicapped
33 in taxicabs. The money transferred to the aging services division must be
34 administered in accordance with regulations adopted by the administrator
35 of the aging services division pursuant to NRS 427A.070.

36 ~~[6.]~~ 8. The administrator *of a taxicab authority* may establish an
37 account for petty cash not to exceed \$1,000 for the support of undercover
38 investigation and, if the account is created, the administrator shall
39 reimburse the account from the *appropriate* taxicab authority *regulatory*
40 fund in the same manner as other claims against the state are paid.

41 **Sec. 119.** NRS 706.8826 is hereby amended to read as follows:

42 706.8826 1. The board of county commissioners of any county in
43 which there is in effect an order for the allocation of taxicabs *or limousines*

1 from a taxicab authority, and the governing body of each city within any
2 such county, shall deposit with the state treasurer to the credit of the
3 *appropriate* taxicab authority *regulatory* fund all ~~to~~ the tax revenue
4 which is received from the taxicab *and limousine* business operating in the
5 county and city, respectively.

6 2. For the purpose of calculating the amount due to the state under
7 subsection 1, the tax revenue of a county does not include any amount
8 which represents a payment for the use of county facilities or property.

9 3. ~~Any~~ A certificate holder who is subject to ~~an order of allocation~~
10 ~~by the~~ a taxicab authority shall pay to ~~the~~ that taxicab authority \$100 per
11 year for each taxicab ~~that the taxicab authority has allocated to~~ and \$500
12 *per year for each limousine which* the certificate holder *operates pursuant*
13 *to his certificate of public convenience and necessity* and , *if the*
14 *certificate holder is a taxicab motor carrier*, a fee set by the taxicab
15 authority that must not exceed ~~15~~ 20 cents per trip for each compensable
16 trip of each of those taxicabs, which may be added to the meter charge. The
17 money so received by the taxicab authority must be paid to the state
18 treasurer for deposit in the state treasury to the credit of the *appropriate*
19 taxicab authority *regulatory* fund.

20 **Sec. 120.** NRS 706.8827 is hereby amended to read as follows:

21 706.8827 1. A person shall not engage in the taxicab *or limousine*
22 business unless he:

23 (a) Holds a certificate of public convenience and necessity from the
24 *previously exiting* public service commission of Nevada issued before
25 July 1, 1981, which has not been transferred, revoked or suspended by ~~the~~
26 a taxicab authority; ~~or~~

27 (b) *Holds a certificate of public necessity of public convenience and*
28 *necessity from the transportation services authority issued before July 1,*
29 *1999, which has not been transferred, revoked or suspended by a taxicab*
30 *authority; or*

31 (c) Currently holds a certificate of public convenience and necessity
32 from ~~the~~ a taxicab authority as provided in this section.

33 2. Upon the filing of an application for a certificate of public
34 convenience and necessity, the taxicab authority *with which the*
35 *application was filed* shall fix a time and place for a hearing thereon. The
36 taxicab authority shall issue the certificate if it finds that:

37 (a) The applicant is fit, willing and able to perform the services of a
38 taxicab motor carrier ~~or~~ *or a limousine motor carrier;*

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

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

1 (d) The holders of existing certificates will not meet the needs of the
2 territory for which the certificate is sought if the certificate is not granted;
3 and

4 (e) The proposed service will benefit the public and the taxicab *or*
5 *limousine* business , *as appropriate*, in the territory to be served.

6 3. The applicant for a certificate has the burden of proving to the
7 taxicab authority that the proposed operation will meet the requirements of
8 subsection 2. The taxicab authority shall not find that the potential creation
9 of competition in a territory which may be caused by the granting of a
10 certificate, by itself, will unreasonably and adversely affect other carriers
11 operating in the territory for the purposes of paragraph (c) of subsection 2.

12 4. The applicant must submit an application fee of \$200, which must
13 not be refunded, with his application. The applicant must also pay those
14 amounts which are billed to him by the *taxicab* authority for reasonable
15 costs incurred by it in conducting an investigation or hearing regarding the
16 applicant.

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

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

24 7. Any person who has been denied a certificate of public convenience
25 and necessity after a hearing may not file a similar application with ~~{the}~~ a
26 taxicab authority covering the same type of service and over the same route
27 or routes or in the same territory for which the certificate of public
28 convenience and necessity was denied except after the expiration of 180
29 days ~~{from}~~ *after* the date the certificate was denied.

30 **Sec. 121.** NRS 706.8829 is hereby amended to read as follows:

31 706.8829 1. A certificate holder shall maintain a uniform system of
32 accounts in which all business transacted by the certificate holder is
33 recorded. The accounts must be:

34 (a) Kept in a form prescribed by the taxicab authority ~~{;}~~ *which has*
35 *jurisdiction over the certificate holder;*

36 (b) Before May 15 of each year, submitted to the taxicab authority in an
37 annual report in the form and detail prescribed by the taxicab authority;

38 (c) Retained for a period of 3 years after their receipt back from the
39 taxicab authority; and

40 (d) Supplemented with such additional information as the taxicab
41 authority may require.

42 2. ~~{The}~~ A taxicab authority may examine the books, accounts, records,
43 minutes and papers of a certificate holder at any reasonable time to

1 determine their correctness and whether they are maintained in accordance
2 with the regulations adopted by the taxicab authority.

3 3. If a certificate holder fails to comply with any provision of this
4 section in a timely manner, the administrator ~~of the taxicab authority~~
5 *which has jurisdiction over the certificate holder*, after hearing, may
6 impose a fine of not more than \$1,000, commence proceedings to suspend
7 or revoke the certificate of public convenience and necessity of the
8 certificate holder, or both impose a fine and commence such proceedings.

9 **Sec. 122.** NRS 706.883 is hereby amended to read as follows:

10 706.883 1. A certificate holder shall maintain at his principal place of
11 business:

12 (a) A record of the make and serial number of each taxicab ~~and~~
13 *limousine*;

14 (b) A maintenance record for each taxicab ~~and limousine~~; and

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

16 2. The records of a certificate holder ~~shall~~ *must* be open for
17 inspection by the administrator ~~of the taxicab authority~~ *which has*
18 *jurisdiction over the certificate holder* at any reasonable time.

19 **Sec. 123.** NRS 706.8833 is hereby amended to read as follows:

20 706.8833 1. The color scheme, insignie and design of the cruising
21 lights of each taxicab must conform to those approved for the certificate
22 holder pursuant to regulations of the *taxicab* authority ~~of~~.

23 ~~2. The~~ *which has jurisdiction over the certificate holder.*

24 2. *A taxicab* authority shall approve or disapprove the color scheme,
25 insignie and design of the cruising lights of the taxicabs of a certificate
26 holder in any county ~~subject to its jurisdiction~~, and shall ensure that the
27 color scheme and insignie of one certificate holder are readily
28 distinguishable from the color schemes and insignia of other certificate
29 holders operating in the same county.

30 **Sec. 124.** NRS 706.8834 is hereby amended to read as follows:

31 706.8834 1. ~~Any~~ *Except as otherwise provided in this section, a*
32 certificate holder shall not permit a vehicle to be used as a taxicab if it has
33 been in operation as a taxicab for more than 4 model years or 52 months,
34 whichever period is longer.

35 2. ~~Any~~ *Except as otherwise provided in this section, any* vehicle
36 which a certificate holder acquires for use as a taxicab must:

37 (a) Be new; or

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

39 3. *A taxicab authority may, upon good cause shown, exempt any city,*
40 *town or other area specifically identified by the taxicab authority which*
41 *is located within the county subject to the jurisdiction of the taxicab*
42 *authority from any provision of this section.*

1 **Sec. 125.** NRS 706.8836 is hereby amended to read as follows:

2 706.8836 1. A certificate holder shall equip each of his taxicabs with
3 a taximeter and shall make provisions when installing the taximeter to
4 allow sealing by the administrator ~~of~~ *of the taxicab authority which has*
5 *jurisdiction over the certificate holder.*

6 2. The administrator *of a taxicab authority* shall approve the types of
7 taximeters which may be used on a taxicab ~~of~~ *subject to the jurisdiction of*
8 *the taxicab authority.* All *such* taximeters must conform to a 2-percent
9 plus or minus tolerance on the fare recording, must be equipped with a
10 signal device plainly visible from outside of the taxicab, must be equipped
11 with a device which records fares and is plainly visible to the passenger and
12 must register upon plainly visible counters the following items:

- 13 (a) Total miles;
14 (b) Paid miles;
15 (c) Number of units;
16 (d) Number of trips; and
17 (e) Number of extra passengers or extra charges.

18 3. The administrator *of a taxicab authority* shall inspect each
19 taximeter before its use in a taxicab *subject to the jurisdiction of the*
20 *taxicab authority,* and shall, if the taximeter conforms to the standards
21 specified in subsection 2, seal the taximeter.

22 4. The administrator *of a taxicab authority* may reinspect ~~the~~ *such a*
23 taximeter at any reasonable time.

24 **Sec. 126.** NRS 706.8837 is hereby amended to read as follows:

25 706.8837 A certificate holder shall not permit a taxicab *or limousine*
26 to be operated in passenger service unless it meets all ~~of~~ the following
27 standards:

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

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

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

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

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

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

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

41 8. The vehicle is equipped with four adequate and safe tires. Recapped
42 tires may be used. regrooved tires may not be used.

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

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

5 11. The headlights, taillights, stoplights and turn signals are in good
6 mechanical working order.

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

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

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

14 **Sec. 127.** NRS 706.8838 is hereby amended to read as follows:

15 706.8838 A certificate holder shall not permit a taxicab *or limousine*
16 to be operated in passenger service for a period of more than 24 hours
17 unless it meets all ~~{of}~~ the following standards:

18 1. The vehicle is structurally sound and operates with a minimum of
19 noise and vibration.

20 2. The vehicle does not have cracked, broken or badly dented fenders
21 and is painted so as to provide reasonable protection against structural
22 deterioration.

23 3. ~~{The}~~ *If the vehicle is a taxicab, the* vehicle does not have shades or
24 curtains which can be manipulated to shield the occupants or driver from
25 exterior observation or to obstruct vision through the rear view windows.

26 4. The vehicle is washed once a week, the interior is swept, dusted and
27 vacuumed once a day and the vehicle is in a clean and sanitary condition.

28 5. The floor mat is made of rubber or a similar nonabsorbent, washable
29 material, is easily removable and is not torn.

30 **Sec. 128.** NRS 706.8839 is hereby amended to read as follows:

31 706.8839 1. The administrator *of a taxicab authority* may inspect a
32 taxicab *or limousine subject to the jurisdiction of the taxicab authority* at
33 any reasonable time.

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

41 3. If the administrator finds that a taxicab is in a condition which
42 violates NRS 706.8838, he shall notify the certificate holder of the
43 improper condition and, after a reasonable time, shall reinspect the vehicle.

1 If upon reinspection the violation has not been corrected, the vehicle ~~[shall]~~
2 **must** be removed from service until it is reinspected and approved, as
3 provided in subsection 2.

4 **Sec. 129.** NRS 706.88395 is hereby amended to read as follows:

5 706.88395 1. A vehicle used as a taxicab, limousine or other
6 passenger vehicle in passenger service must be impounded by the
7 administrator **of a taxicab authority** if a certificate of public convenience
8 and necessity has not been issued authorizing its operation ~~[.]~~ **by the**
9 **taxicab authority, the transportation services authority or the previously**
10 **existing public service commission of Nevada.** A hearing must be held by
11 the administrator ~~[no]~~ **not** later than the conclusion of the second normal
12 business day after impoundment, weekends and holidays excluded. As soon
13 as practicable after impoundment, the administrator shall notify the
14 registered owner of the vehicle:

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

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

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

21 2. The administrator shall hold the vehicle until the registered owner of
22 the vehicle appears and:

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

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

26 (c) Proves that the vehicle meets all required standards of the **taxicab**
27 authority; and

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

29 The administrator shall return the vehicle to its registered owner when the
30 owner meets the requirements of this subsection and pays all costs of
31 impoundment.

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

40 **Sec. 130.** NRS 706.8841 is hereby amended to read as follows:

41 706.8841 1. The administrator **of a taxicab authority** shall issue a
42 driver's permit to qualified persons who wish to be employed by certificate
43 holders as ~~[taxicab drivers.]~~ **drivers of taxicabs or limousines based in any**

1 *county that is subject to the jurisdiction of the taxicab authority.* Before
2 issuing a driver's permit, the administrator shall:

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

7 (b) Require proof that the applicant:

8 (1) Has been a resident of the state for 30 days before his application
9 for a permit;

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

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

13 2. The administrator may refuse to issue a driver's permit if the
14 applicant has been convicted of:

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

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

21 3. The administrator may refuse to issue a driver's permit if the
22 administrator, after the background investigation of the applicant,
23 determines that the applicant is morally unfit or if the issuance of the
24 driver's permit would be detrimental to public health, welfare or safety.

25 4. A taxicab *or limousine* driver shall pay to the administrator, in
26 advance, \$20 for an original driver's permit and ~~[\$5]~~ *\$15* for a renewal.

27 **Sec. 131.** NRS 706.8843 is hereby amended to read as follows:

28 706.8843 1. A certificate holder shall not employ a driver unless the
29 driver has obtained and has on his person:

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

32 (b) A copy of a physician's certificate obtained pursuant to NRS
33 706.8842; and

34 (c) A driver's permit issued by the administrator pursuant to rules and
35 regulations of the *appropriate* taxicab authority.

36 2. A certificate holder shall, at the time he employs a driver, provide
37 the driver with a complete copy of the rules and regulations described in
38 NRS 706.8844 to 706.8849, inclusive, and such other rules and regulations
39 as may be adopted by the taxicab authority ~~[-]~~ *which has jurisdiction over*
40 *the certificate holder*, and require the driver to sign a statement that he has
41 received a copy of the regulations and has read and familiarized himself
42 with the contents thereof.

1 **Sec. 132.** NRS 706.8844 is hereby amended to read as follows:

2 706.8844 1. A certificate holder shall require his drivers to keep a
3 daily trip sheet in a form to be prescribed by the taxicab authority ~~[-]~~ **which**
4 **has jurisdiction over the certificate holder.**

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

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

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

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

12 (d) The odometer reading of the taxicab.

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

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

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

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

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

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

22 (c) The odometer reading of the taxicab.

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

26 6. A certificate holder shall retain all trip sheets of all drivers in a safe
27 place for a period of 3 years immediately succeeding December 31 of the
28 year to which they respectively pertain and shall make such manifests
29 available for inspection by the administrator upon reasonable demand.

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

32 **Sec. 133.** NRS 706.8847 is hereby amended to read as follows:

33 706.8847 1. A driver **of a taxicab** shall not refuse or neglect to
34 transport any orderly person to that person's destination if:

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

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

38 2. Subsection 1 does not apply if the driver can show ~~beyond a~~
39 ~~reasonable doubt~~ **to the satisfaction of the taxicab authority which has**
40 **jurisdiction over the driver** that:

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

42 (b) The taxicab has been previously engaged by another person; or

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

3 **Sec. 134.** NRS 706.8848 is hereby amended to read as follows:

4 706.8848 1. If a driver violates any provision of NRS 706.8844 to
5 706.8847, inclusive, *and sections 12 to 21, inclusive, of this act*, the
6 ~~{administrator}~~ *taxicab authority which has jurisdiction over the*
7 *certificate holder which employs the driver* may impose the following
8 sanctions:

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

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

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

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

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

19 2. Only violations occurring in the 12 months immediately preceding
20 the most current violation ~~{shall}~~ *may* be considered for the purposes of
21 subsection 1. The administrator *of the taxicab authority* shall inspect the
22 driver's record for that period to compute the number of offenses
23 committed.

24 3. The ~~{administrator}~~ *taxicab authority* shall conduct a hearing ~~{prior~~
25 ~~to suspension or revocation of}~~ *before suspending or revoking* a driver's
26 permit or imposing a fine under this section or NRS 706.8849.

27 **Sec. 134.5.** NRS 706.8849 is hereby amended to read as follows:

28 706.8849 1. A taxicab driver shall:

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

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

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

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

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

41 (f) Not permit any person or persons other than the person who has
42 engaged the taxicab to ride therein unless the person who has engaged the
43 taxicab requests that the other person or persons ride in the taxicab. If more

1 than one person is loaded by the taxicab driver as set forth in this
2 paragraph, the driver shall, when one of the persons leaves the taxicab,
3 charge that person the fare on the meter and reset the taximeter.

4 (g) Not drive a taxicab or go on duty while under the influence of, or
5 impaired by, any controlled substance, dangerous drug, or intoxicating
6 liquor or drink intoxicating liquor while on duty.

7 (h) Not use or consume controlled substances or dangerous drugs which
8 impair a person's ability to operate a motor vehicle at any time, or use or
9 consume any other controlled substances or dangerous drugs at any time
10 except in accordance with a lawfully issued prescription.

11 (i) Not operate a taxicab without a valid driver's permit issued pursuant
12 to NRS 706.8841 and a valid driver's license issued pursuant to NRS
13 483.325 in his possession.

14 (j) Obey all provisions and restrictions of his employer's certificate of
15 public convenience and necessity.

16 2. If a driver violates any provision of subsection 1, the ~~administrator~~
17 *taxicab authority which has jurisdiction over the certificate holder that*
18 *employs the driver* may, after a hearing, impose the following sanctions:

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

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

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

24 In addition to the other penalties set forth in this subsection, the
25 ~~administrator~~ *taxicab authority* may revoke a driver's permit for any
26 violation of a provision of paragraph (g) of subsection 1.

27 3. Only violations occurring in the 12 months immediately
28 preceding the most current violation may be considered for the purposes of
29 subsection 2. The administrator *of the taxicab authority* shall inspect the
30 driver's record for that period to compute the number of offenses
31 committed.

32 **Sec. 135.** NRS 706.885 is hereby amended to read as follows:

33 706.885 1. Any person who knowingly makes or causes to be made,
34 either directly or indirectly, a false statement on an application, account or
35 other statement required by ~~the~~ *a* taxicab authority or the administrator *of*
36 *the taxicab authority* or who violates any of the provisions of NRS
37 706.881 to 706.885, inclusive, *and sections 12 to 21, inclusive, of this act,*
38 *and section 1 of Assembly Bill No. 677 of this session* is guilty of a
39 misdemeanor.

40 2. ~~The~~ *A* taxicab authority ~~for administrator~~ may at any time, for
41 good cause shown and upon at least 5 days' notice to the grantee of any
42 certificate or driver's permit, and after a hearing unless waived by the
43 grantee, penalize the grantee of a certificate to a maximum amount of

1 \$15,000 or penalize the grantee of a driver's permit to a maximum amount
2 of \$500 or suspend or revoke the certificate or driver's permit ~~{granted by~~
3 ~~it or him, respectively,}~~ for:

4 (a) Any violation of any provision of NRS 706.881 to 706.885,
5 inclusive, *and sections 12 to 21, inclusive, of this act, and section 1 of*
6 *Assembly Bill No. 677 of this session*, or any regulation of the taxicab
7 authority or administrator.

8 (b) Knowingly permitting or requiring any employee to violate any
9 provision of NRS 706.881 to 706.885, inclusive, *and sections 12 to 21,*
10 *inclusive, of this act, and section 1 of Assembly Bill No. 677 of this*
11 *session*, or any regulation of the taxicab authority or administrator.

12 If a penalty is imposed on the grantee of a certificate pursuant to this
13 section, the taxicab authority ~~{or administrator}~~ may require the grantee to
14 pay the costs of the proceeding, including investigative costs and attorney's
15 fees.

16 3. When a driver or certificate holder fails to appear at the time and
17 place stated in the notice for the hearing, the ~~{administrator}~~ *taxicab*
18 *authority* shall enter a finding of default. Upon a finding of default, the
19 ~~{administrator}~~ *taxicab authority* may suspend or revoke the license, permit
20 or certificate of the person who failed to appear and impose the penalties
21 provided in this chapter. For good cause shown, the ~~{administrator}~~ *taxicab*
22 *authority* may set aside a finding of default and proceed with the hearing.

23 4. Any person who operates or permits a taxicab *or limousine* to be
24 operated in passenger service without a certificate of public convenience
25 and necessity issued pursuant to NRS 706.8827, is guilty of a gross
26 misdemeanor. If a law enforcement officer witnesses a violation of this
27 subsection, he may cause the vehicle to be towed immediately from the
28 scene.

29 5. The conviction of a person pursuant to subsection 1 does not bar the
30 taxicab authority ~~{or administrator}~~ from suspending or revoking any
31 certificate, permit or license of the person convicted. The imposition of a
32 fine or suspension or revocation of any certificate, permit or license by the
33 taxicab authority ~~{or administrator}~~ does not operate as a defense in any
34 proceeding brought under subsection 1.

35 **Sec. 136.** NRS 232.510 is hereby amended to read as follows:

36 232.510 1. The department of business and industry is hereby
37 created.

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

- 39 (a) Consumer affairs division.
- 40 (b) Division of financial institutions.
- 41 (c) Housing division.
- 42 (d) Manufactured housing division.
- 43 (e) Real estate division.

- 1 (f) Division of unclaimed property.
2 (g) Division of insurance.
3 (h) Division of industrial relations.
4 (i) Office of labor commissioner.
5 (j) Taxicab authority ~~H~~ *for southern Nevada and taxicab authority for*
6 *northern Nevada.*
7 (k) Nevada athletic commission.
8 (l) Office of the Nevada attorney for injured workers.
9 (m) Transportation services authority.
10 (n) Any other office, commission, board, agency or entity created or
11 placed within the department pursuant to a specific statute, the budget
12 approved by the legislature or an executive order, or an entity whose
13 budget or activities have been placed within the control of the department
14 by a specific statute.
- 15 **Sec. 137.** NRS 232.520 is hereby amended to read as follows:
16 232.520 The director:
17 1. Shall appoint a chief or executive director, or both of them, of each
18 of the divisions, offices, commissions, boards, agencies or other entities of
19 the department, unless the authority to appoint such a chief or executive
20 director, or both of them, is expressly vested in another person, board or
21 commission by a specific statute. In making the appointments, the director
22 may obtain lists of qualified persons from professional organizations,
23 associations or other groups recognized by the department, if any. The
24 chief of the consumer affairs division is the commissioner of consumer
25 affairs, the chief of the division of financial institutions is the commissioner
26 of financial institutions, the chief of the housing division is the
27 administrator of the housing division, the chief of the manufactured housing
28 division is the administrator of the manufactured housing division, the chief
29 of the real estate division is the real estate administrator, the chief of the
30 division of unclaimed property is the administrator of unclaimed property,
31 the chief of the division of insurance is the commissioner of insurance, the
32 chief of the division of industrial relations is the administrator of the
33 division of industrial relations, the chief of the office of labor commissioner
34 is the labor commissioner, the chief of the taxicab authority *for southern*
35 *Nevada* is the taxicab administrator, *the chief of the taxicab authority for*
36 *northern Nevada is the taxicab administrator,* the chief of the
37 transportation services authority is the ~~chairman~~ *commissioner* of the
38 authority and the chief of any other entity of the department has the title
39 specified by the director, unless a different title is specified by a specific
40 statute.
- 41 2. Is responsible for the administration of all provisions of law relating
42 to the jurisdiction, duties and functions of all divisions and other entities
43 within the department. The director may, if he deems it necessary to carry

1 out his administrative responsibilities, be considered as a member of the
2 staff of any division or other entity of the department for the purpose of
3 budget administration or for carrying out any duty or exercising any power
4 necessary to fulfill the responsibilities of the director pursuant to this
5 subsection. The provisions of this subsection do not authorize the director
6 to preempt any authority or jurisdiction granted by statute to any division or
7 other entity within the department or authorize the director to act or take on
8 a function that would contravene a rule of court or a statute.

9 3. May:

10 (a) Establish uniform policies for the department, consistent with the
11 policies and statutory responsibilities and duties of the divisions and other
12 entities within the department, relating to matters concerning budgeting,
13 accounting, planning, program development, personnel, information
14 services, dispute resolution, travel, workplace safety, the acceptance of gifts
15 or donations, the management of records and any other subject for which a
16 uniform departmental policy is necessary to ensure the efficient operation
17 of the department.

18 (b) Provide coordination among the divisions and other entities within
19 the department, in a manner which does not encroach upon their statutory
20 powers and duties, as they adopt and enforce regulations, execute
21 agreements, purchase goods, services or equipment, prepare legislative
22 requests and lease or use office space.

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

26 4. May, within the limits of the financial resources made available to
27 him, promote, participate in the operation of, and create or cause to be
28 created, any nonprofit corporation, pursuant to chapter 82 of NRS, which
29 he determines is necessary or convenient for the exercise of the powers and
30 duties of the department. The purposes, powers and operation of the
31 corporation must be consistent with the purposes, powers and duties of the
32 department.

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

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

41 7. May designate any person within the department to perform any of
42 the duties or responsibilities, or exercise any of the authority, of the
43 director on his behalf.

1 8. May negotiate and execute agreements with public or private entities
2 which are necessary to the exercise of the powers and duties of the director
3 or the department.

4 9. May establish a trust account in the state treasury for depositing and
5 accounting for money that is held in escrow or is on deposit with the
6 department for the payment of any direct expenses incurred by the director
7 in connection with any bond programs administered by the director. The
8 interest and income earned on money in the trust account, less any amount
9 deducted to pay for applicable charges, must be credited to the trust
10 account. Any balance remaining in the account at the end of a fiscal year
11 may be:

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

14 (b) Returned to any person entitled thereto in accordance with
15 agreements or regulations of the director relating to those bond programs.

16 **Sec. 138.** NRS 268.097 is hereby amended to read as follows:

17 268.097 1. Except as otherwise provided in subsections 2 and 3, *and*
18 *sections 20 and 21 of this act*, notwithstanding the provisions of any local,
19 special or general law, after July 1, 1963, the governing body of any
20 incorporated city in this state, whether incorporated by general or special
21 act, or otherwise, may not supervise or regulate any taxicab motor carrier as
22 defined in NRS 706.126 which is under the supervision and regulation of
23 ~~the transportation services authority pursuant to law.~~ *a taxicab authority.*

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

28 3. The governing body of any incorporated city in any county in which
29 the provisions of NRS ~~706.8811~~ *706.88185* to 706.885, inclusive, *and*
30 *sections 12 to 21, inclusive, of this act* do not apply, whether incorporated
31 by general or special act, or otherwise, may regulate by ordinance the
32 qualifications required of employees or lessees of a taxicab motor carrier in
33 a manner consistent with the regulations adopted by the transportation
34 services authority.

35 **Sec. 139.** NRS 289.320 is hereby amended to read as follows:

36 289.320 An employee of the transportation services authority whom it
37 designates as an inspector or as manager of transportation is a peace officer
38 and has police power for the enforcement of the provisions of:

39 1. ~~Chapters 706 and 712~~ *Chapter 706* of NRS and all regulations of
40 the transportation services authority or the department of motor vehicles
41 and public safety pertaining thereto; and

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

4 **Sec. 140.** NRS 362.120 is hereby amended to read as follows:

5 362.120 1. The department shall, from the statement and from all
6 obtainable data, evidence and reports, compute in dollars and cents the
7 gross yield and net proceeds of the period covered by the statement.

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

10 (a) Sold;

11 (b) Exchanged for any thing or service;

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

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

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

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

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

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

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

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

25 (1) All machinery, equipment, apparatus and facilities used in the
26 mine.

27 (2) All milling, refining, smelting and reduction works, plants and
28 facilities.

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

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

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

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

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

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

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

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

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

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

(a) The working of the mine;

(b) The operating of the mill, smelter or reduction works;

(c) The operating of the facilities or equipment for transportation;

(d) Superintending the management of any of those operations; or

(e) The State of Nevada, in office, clerical or engineering work necessary or proper in connection with any of those operations.

Sec. 141. NRS 373.117 is hereby amended to read as follows:

373.117 1. A regional transportation commission, a county whose population is less than 100,000 or an incorporated city within such a county may establish or operate a public transit system consisting of:

(a) Regular routes and fixed schedules to serve the public;

(b) Nonemergency medical transportation of persons to facilitate their use of a center as defined in NRS 435.170, if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of disabled persons without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

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 the regular routes and fixed schedules
7 required by paragraph (a) of subsection 1 on a recurring basis to serve the
8 public transportation needs of passengers. The deviations must not exceed
9 one-half mile from the regular routes.

10 (b) The transporting of persons other than those specified in paragraph
11 (b), (c) or (d) of subsection 1 upon request without regard to regular routes
12 or fixed schedules, if the service is provided by a common motor carrier .

13 ~~{which has a certificate of public convenience and necessity issued by the~~
14 ~~transportation services authority pursuant to NRS 706.386 to 706.411,~~
15 ~~inclusive, and the service is subject to the rules and regulations adopted by~~
16 ~~the transportation services authority for a fully regulated carrier.}~~

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

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

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

39 7. As used in this section:

40 (a) ~~["Fully regulated carrier" means a common carrier or contract carrier~~
41 ~~of passengers or household goods who is required to obtain from the~~
42 ~~transportation services authority a certificate of public convenience and~~

~~necessity or a contract carrier's permit and whose rates, routes and services are subject to regulation by the transportation services authority.~~

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

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

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

Sec. 142. NRS 377A.140 is hereby amended to read as follows:

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

~~{(a)}~~ **1.** Programs to reduce or manage motor vehicle traffic; and

~~{(b)}~~ **2.** Any other services for a public transit system which are requested by the general public, if those additional services are included and described in a long-range plan adopted pursuant to 23 U.S.C. § 134 and 49 U.S.C. § 5303.

~~{2.—Before a regional transportation commission may provide for an on-call public transit system in an area of the county, other than an on-call public transit system that provides the nonemergency medical transportation described in NRS 377A.130, the commission must receive a determination from the transportation services authority that:~~

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

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

~~—3.— As used in this section:~~

~~—(a)— “Common motor carrier of passengers” has the meaning ascribed to it in NRS 706.041.~~

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

Sec. 143. NRS 392.330 is hereby amended to read as follows:

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

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

(b) Purchasing tickets at reduced rates for the transportation of pupils, including, without limitation, homeless pupils, on public buses for use by pupils enrolled in middle school, junior high school and high school to travel to and from school.

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

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

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

Sec. 144. NRS 427A.070 is hereby amended to read as follows:

427A.070 1. The administrator shall:

(a) Subject to the approval of the director, adopt rules and regulations:

(1) Necessary to carry out the purposes of this chapter; and

(2) Establishing a program to subsidize the transportation by taxicab of the elderly and the permanently handicapped from money received pursuant to subsection ~~5~~ 7 of NRS 706.8825;

(b) Establish appropriate administrative units within the division;

(c) Appoint such personnel and prescribe their duties as he deems necessary for the proper and efficient performance of the functions of the division;

(d) Prepare and submit to the governor, through the director before September 1 of each even-numbered year for the biennium ending June 30 of such year, reports of activities and expenditures and estimates of sums required to carry out the purposes of this chapter;

(e) Make certification for disbursement of funds available for carrying out the purposes of this chapter;

and

1 (f) Take such other action as may be necessary or appropriate for
2 cooperation with public and private agencies and otherwise to carry out the
3 purposes of this chapter.

4 2. The administrator may delegate to any officer or employee of the
5 division such of his powers and duties as he finds necessary to carry out the
6 purposes of this chapter.

7 **Sec. 145.** NRS 481.053 is hereby amended to read as follows:

8 481.053 1. The governor shall appoint the peace officers' standards
9 and training committee.

10 2. The committee consists of seven members, one appointed from
11 Clark County, one from Washoe County, three from any other counties, one
12 from category II peace officers and one from category III peace officers.
13 Members serve terms of 2 years ~~from~~ after the date of appointment.
14 Members serve without compensation but are entitled to the per diem
15 allowance and travel expenses provided by law for state officers and
16 employees generally.

17 3. The governor shall make the appointments from recommendations
18 submitted by Clark County, Washoe County, professional organizations of
19 sheriffs and police chiefs of this state, category II peace officers and
20 category III peace officers.

21 4. The committee shall:

22 (a) Meet at the call of the chairman, who must be elected by the
23 members of the committee.

24 (b) Provide for and encourage the training and education of peace
25 officers in order to improve the system of criminal justice.

26 (c) Adopt regulations establishing minimum standards for the
27 certification and decertification, recruitment, selection and training of peace
28 officers.

29 (d) Make necessary inquiries to determine whether agencies of the state
30 and of local governments are complying with standards set forth in its
31 regulations.

32 (e) Carry out the duties required of the committee pursuant to NRS
33 432B.610 and 432B.620.

34 5. Regulations adopted by the committee:

35 (a) Apply to all agencies of the state and of local governments which
36 employ persons as peace officers;

37 (b) Must require that all peace officers receive training in the handling
38 of cases involving abuse or neglect of children or missing children; and

39 (c) May require that training be carried on at institutions which it
40 approves in those regulations.

41 6. The director may adopt regulations necessary for the operation of
42 the committee and the enforcement of laws administered by the committee.

43 7. As used in this section:

- 1 (a) “Category II peace officer” means:
- 2 (1) The bailiff of the supreme court;
- 3 (2) The bailiffs of the district courts, justices’ courts and municipal
- 4 courts whose duties require them to carry weapons and make arrests;
- 5 (3) Constables and their deputies whose official duties require them to
- 6 carry weapons and make arrests;
- 7 (4) Inspectors employed by the transportation services authority who
- 8 exercise those powers of enforcement conferred by ~~chapters 706 and 712~~
- 9 **chapter 706** of NRS;
- 10 (5) Parole and probation officers;
- 11 (6) Special investigators who are employed full time by the office of
- 12 any district attorney or the attorney general;
- 13 (7) Investigators of arson for fire departments who are specially
- 14 designated by the appointing authority;
- 15 (8) The assistant and deputies of the state fire marshal;
- 16 (9) The brand inspectors of the division of agriculture of the
- 17 department of business and industry who exercise the powers of
- 18 enforcement conferred in chapter 565 of NRS;
- 19 (10) Investigators for the state forester firewarden who are specially
- 20 designated by him and whose primary duties are the investigation of arson;
- 21 (11) School police officers employed by the board of trustees of any
- 22 county school district;
- 23 (12) Agents of the state gaming control board who exercise the
- 24 powers of enforcement specified in NRS 289.360, 463.140 or 463.1405,
- 25 except those agents whose duties relate primarily to auditing, accounting,
- 26 the collection of taxes or license fees, or the investigation of applicants for
- 27 licenses;
- 28 (13) Investigators and administrators of the bureau of enforcement of
- 29 the registration division of the department of motor vehicles and public
- 30 safety who perform the duties specified in subsection 3 of NRS 481.048;
- 31 (14) Officers and investigators of the section for the control of
- 32 emissions from vehicles of the registration division of the department of
- 33 motor vehicles and public safety who perform the duties specified in
- 34 subsection 3 of NRS 481.0481;
- 35 (15) Legislative police officers of the State of Nevada;
- 36 (16) The personnel of the capitol police division of the department of
- 37 motor vehicles and public safety appointed pursuant to subsection 2 of
- 38 NRS 331.140;
- 39 (17) Parole counselors of the division of child and family services of
- 40 the department of human resources;
- 41 (18) Juvenile probation officers and deputy juvenile probation
- 42 officers employed by the various judicial districts in the State of Nevada or
- 43 by a department of family, youth and juvenile services established pursuant

1 to NRS 62.1264 whose official duties require them to enforce court orders
2 on juvenile offenders and make arrests;

3 (19) Field investigators of ~~the~~ a taxicab authority;

4 (20) Security officers employed full time by a city or county whose
5 official duties require them to carry weapons and make arrests;

6 (21) The chief of a department of alternative sentencing created
7 pursuant to NRS 211A.080 and the assistant alternative sentencing officers
8 employed by that department; and

9 (22) Criminal investigators who are employed by the secretary of
10 state.

11 (b) "Category III peace officer" means peace officers whose authority is
12 limited to correctional services, and includes the superintendents and
13 correctional officers of the department of prisons.

14 **Sec. 146.** NRS 482.3963 is hereby amended to read as follows:

15 482.3963 1. An owner of a vehicle who leases it to a carrier and
16 operates the vehicle pursuant to that lease may apply to the department for
17 a temporary permit to operate the vehicle if the vehicle:

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

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

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

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

24 3. Such a temporary permit must:

25 (a) Bear the date of its expiration;

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

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

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

31 4. As used in this section, "carrier" means a common motor carrier of
32 passengers as defined in NRS 706.041, a common motor carrier of property
33 as defined in NRS 706.046, a contract motor carrier as defined in NRS
34 706.051, ~~or~~ a private motor carrier of property as defined in NRS 706.111
35 ~~or~~, *a taxicab motor carrier as defined in NRS 706.126, or a limousine*
36 *motor carrier as defined in section 5 of this act.*

37 **Sec. 147.** NRS 483.160 is hereby amended to read as follows:

38 483.160 1. "School bus" means every motor vehicle owned by or
39 under the control of a public or governmental agency or a private school
40 and regularly operated for the transportation of children to or from school
41 or a school activity or privately owned and regularly operated for
42 compensation for the transportation of children to or from school or a
43 school

activity.

1 2. “School bus” does not include a passenger car operated under a
2 contract to transport children to and from school, a common carrier or
3 commercial vehicle under the jurisdiction of the Surface Transportation
4 Board ~~for the transportation services authority~~ when such a vehicle is
5 operated in the regular conduct of its business in interstate or intrastate
6 commerce within the State of Nevada.

7 **Sec. 148.** NRS 484.148 is hereby amended to read as follows:

8 484.148 1. “School bus” means every motor vehicle owned by or
9 under the control of a public or governmental agency or a private school
10 and regularly operated for the transportation of children to or from school
11 or a school activity or privately owned and regularly operated for
12 compensation for the transportation of children to or from school or a
13 school activity.

14 2. “School bus” does not include a passenger car operated under a
15 contract to transport children to and from school, a common carrier or
16 commercial vehicle under the jurisdiction of the Surface Transportation
17 Board ~~for the transportation services authority~~ when such ~~a~~ vehicle is
18 operated in the regular conduct of its business in interstate or intrastate
19 commerce within the State of Nevada.

20 **Sec. 149.** NRS 487.038 is hereby amended to read as follows:

21 487.038 1. Except as otherwise provided in subsections 3 and 4, the
22 owner or person in lawful possession of any real property may, after giving
23 notice pursuant to subsection 2, utilize the services of any ~~tow-car~~
24 operator ~~of a tow car~~ subject to the jurisdiction of the transportation
25 services authority to remove any vehicle parked in an unauthorized manner
26 on that property to the nearest public garage or storage yard if:

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

29 (b) The sign shows the telephone number of the police department or
30 sheriff’s office.

31 2. Oral notice must be given to the police department or sheriff’s
32 office, whichever is appropriate, indicating:

33 (a) The time the vehicle was removed;

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

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

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

40 4. The owner or person in lawful possession of residential real property
41 upon which a single-family dwelling is located may, after giving notice
42 pursuant to subsection 2, utilize the services of any ~~tow-car~~ operator ~~of a~~
43 ~~tow car~~ subject to the jurisdiction of the transportation services authority to

1 remove any vehicle parked in an unauthorized manner on that property to
2 the nearest public garage or storage yard, whether or not a sign is displayed
3 pursuant to subsection 1.

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

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

11 **Sec. 150.** NRS 565.040 is hereby amended to read as follows:

12 565.040 1. The director may declare any part of this state a brand
13 inspection district.

14 2. After the creation of any brand inspection district as authorized by
15 this chapter all animals within any such district are subject to brand
16 inspection in accordance with the provisions of this chapter before:

17 (a) Consignment for slaughter within any district;

18 (b) Any transfer of ownership by sale or otherwise; or

19 (c) Removal from the district if the removal is not authorized pursuant
20 to a livestock movement permit issued by the department.

21 3. If a brand inspection district is created by the department pursuant to
22 the provisions of this chapter, the director shall adopt regulations defining
23 the boundaries of the district and the fees to be collected for brand
24 inspection and prescribing such other methods of procedure not
25 inconsistent with the provisions of this chapter as he considers necessary.

26 4. Any regulations adopted pursuant to the provisions of this section
27 must be published at least twice in a newspaper having a general circulation
28 in the brand inspection district created by the regulations . ~~I, and copies of~~
29 ~~the regulations must be mailed to all common carriers of record with the~~
30 ~~transportation services authority operating in the brand inspection district.]~~
31 Such publication and notification constitutes legal notice of the creation of
32 the brand inspection district. The expense of advertising and notification
33 must be paid from the livestock inspection account.

34 **Sec. 151.** NRS 599B.010 is hereby amended to read as follows:

35 599B.010 As used in this chapter, unless the context otherwise
36 requires:

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

39 2. “Commissioner” means the commissioner of consumer affairs.

40 3. “Consumer” means a person who is solicited by a seller or salesman.

41 4. “Division” means the consumer affairs division of the department of
42 business and industry.

1 5. “Donation” means a promise, grant or pledge of money, credit,
2 property, financial assistance or other thing of value given in response to a
3 solicitation by telephone, including, but not limited to, a payment or
4 promise to pay in consideration for a performance, event or sale of goods
5 or services. The term does not include volunteer services, government
6 grants or contracts or a payment by members of any organization of
7 membership fees, dues, fines or assessments or for services rendered by the
8 organization to those persons, if:

9 (a) The fees, dues, fines, assessments or services confer a bona fide
10 right, privilege, professional standing, honor or other direct benefit upon
11 the member; and

12 (b) Membership in the organization is not conferred solely in
13 consideration for making a donation in response to a solicitation.

14 6. “Goods or services” means any property, tangible or intangible, real,
15 personal or mixed, and any other article, commodity or thing of value.

16 7. “Premium” includes any prize, bonus, award, gift or any other
17 similar inducement or incentive to purchase.

18 8. “Recovery service” means a business or other practice whereby a
19 person represents or implies that he will, for a fee, recover any amount of
20 money that a consumer has provided to a seller or salesman pursuant to a
21 solicitation governed by the provisions of this chapter.

22 9. “Salesman” means any person:

23 (a) Employed or authorized by a seller to sell, or to attempt to sell,
24 goods or services by telephone;

25 (b) Retained by a seller to provide consulting services relating to the
26 management or operation of the seller’s business; or

27 (c) Who communicates on behalf of a seller with a consumer:

28 (1) In the course of a solicitation by telephone; or

29 (2) For the purpose of verifying, changing or confirming an order,
30 except that a person is not a salesman if his only function is to identify a
31 consumer by name only and he immediately refers the consumer to a
32 salesman.

33 10. Except as otherwise provided in subsection 11, “seller” means any
34 person who, on his own behalf, causes or attempts to cause a solicitation by
35 telephone to be made through the use of one or more salesmen or any
36 automated dialing announcing device under any of the following
37 circumstances:

38 (a) The person initiates contact by telephone with a consumer and
39 represents or implies:

40 (1) That a consumer who buys one or more goods or services will
41 receive additional goods or services, whether or not of the same type as
42 purchased, without further cost, except for actual postage or common
43 carrier charges;

- 1 (2) That a consumer will or has a chance or opportunity to receive a
2 premium;
- 3 (3) That the items for sale are gold, silver or other precious metals,
4 diamonds, rubies, sapphires or other precious stones, or any interest in oil,
5 gas or mineral fields, wells or exploration sites or any other investment
6 opportunity;
- 7 (4) That the product offered for sale is information or opinions
8 relating to sporting events;
- 9 (5) That the product offered for sale is the services of a recovery
10 service; or
- 11 (6) That the consumer will receive a premium , or goods or services if
12 he makes a donation;
- 13 (b) The solicitation by telephone is made by the person in response to
14 inquiries from a consumer generated by a notification or communication
15 sent or delivered to the consumer that represents or implies:
 - 16 (1) That the consumer has been in any manner specially selected to
17 receive the notification or communication or the offer contained in the
18 notification or communication;
 - 19 (2) That the consumer will receive a premium if the recipient calls the
20 person;
 - 21 (3) That if the consumer buys one or more goods or services from the
22 person, the consumer will also receive additional or other goods or
23 services, whether or not the same type as purchased, without further cost or
24 at a cost that the person represents or implies is less than the regular price
25 of the goods or services;
 - 26 (4) That the product offered for sale is the services of a recovery
27 service; or
 - 28 (5) That the consumer will receive a premium or goods or services if
29 he makes a donation; or
- 30 (c) The solicitation by telephone is made by the person in response to
31 inquiries generated by advertisements that represent or imply that the
32 person is offering to sell any:
 - 33 (1) Gold, silver or other metals, including coins, diamonds, rubies,
34 sapphires or other stones, coal or other minerals or any interest in oil, gas
35 or other mineral fields, wells or exploration sites, or any other investment
36 opportunity;
 - 37 (2) Information or opinions relating to sporting events; or
 - 38 (3) Services of a recovery service.
- 39 11. "Seller" does not include:
 - 40 (a) A person licensed pursuant to chapter 90 of NRS when soliciting
41 offers, sales or purchases within the scope of his license.
 - 42 (b) A person licensed pursuant to chapter 119A, 119B, 624, 645 or
43 696A of NRS when soliciting sales within the scope of his license.

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

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

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

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

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

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

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

16 (h) A public utility ~~for~~, *taxicab* motor carrier *or limousine motor*
17 *carrier* which is regulated pursuant to chapter 704 or 706 of NRS, or ~~by~~
18 an affiliate of such a utility or ~~motor~~ carrier, if the solicitation is within
19 the scope of its certificate or ~~license~~ *permit*.

20 (i) A utility which is regulated pursuant to chapter 710 of NRS, or ~~by~~
21 an affiliate of such a utility.

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

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

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

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

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

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

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

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

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

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

2 (l) A person soliciting without the intent to complete and who does not
3 complete, the sales transaction by telephone but completes the sales
4 transaction at a later face-to-face meeting between the solicitor and the
5 consumer, if the person, after soliciting a sale by telephone, does not cause
6 another person to collect the payment from or deliver any goods or services
7 purchased to the consumer.

8 (m) Any commercial bank, bank holding company, subsidiary or
9 affiliate of a bank holding company, trust company, savings and loan
10 association, credit union, industrial loan company, personal property
11 broker, consumer finance lender, commercial finance lender, or insurer
12 subject to regulation by an official or agency of this state or of the United
13 States, if the solicitation is within the scope of the certificate or license held
14 by the entity.

15 (n) A person holding a certificate of authority issued pursuant to chapter
16 452 of NRS when soliciting sales within the scope of the certificate.

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

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

22 (q) A person soliciting the sale of agricultural products, if the
23 solicitation is not intended to and does not result in a sale of more than
24 \$100 that is to be delivered to one address. As used in this paragraph,
25 “agricultural products” has the meaning ascribed to it in NRS 587.290.

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

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

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

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

35 (t) A person soliciting a transaction regulated by the Commodity Futures
36 Trading Commission, if:

37 (1) The person is registered with or temporarily licensed by the
38 Commission to conduct that activity pursuant to the Commodity Exchange
39 Act, ~~15~~ 7 U.S.C. §§ 1 et seq. ; ~~D~~ and

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

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

1 (1) Making the solicitation; or

2 (2) On whose behalf the solicitation is made.

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

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

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

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

13 (3) Is not regularly engaged in telephone sales.

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

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

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

22 **Sec. 151.5.** Section 1 of Assembly Bill No. 677 of this session is
23 hereby amended to read as follows:

24 **Section 1.** Chapter 706 of NRS is hereby amended by adding
25 thereto a new section to read as follows:

26 1. Notwithstanding any provision of *this section and* NRS
27 ~~[706.011 to 706.791,]~~ *706.881 to 706.885*, inclusive, and ~~[this~~
28 ~~section]~~ *sections 12 to 21, inclusive, of Senate Bill No. 491 of this*
29 *session* to the contrary, if the registered owner of a vehicle which is
30 impounded pursuant to NRS ~~[706.476]~~ *706.88395* is a short-term
31 lessor licensed pursuant to NRS 482.363 who is engaged in the
32 business of renting or leasing vehicles in accordance with NRS
33 482.295 to 482.3159, inclusive, the registered owner is not liable
34 for any administrative fine or other penalty that may be imposed by
35 ~~[the]~~ *a taxicab* authority for the operation of a passenger vehicle in
36 violation of NRS ~~[706.011 to 706.791,]~~ *706.881 to 706.885*,
37 inclusive, *and sections 12 to 21, inclusive, of Senate Bill No. 491*
38 *of this session*, if at the time that the vehicle was impounded, the
39 vehicle was in the care, custody or control of a lessee.

40 2. A short-term lessor may establish that a vehicle was subject
41 to the care, custody or control of a lessee at the time that the vehicle
42 was impounded pursuant to NRS ~~[706.476]~~ *706.88395* by
43 submitting to the *taxicab* authority a true copy of the lease or rental

1 agreement pursuant to which the vehicle was leased or rented to the
2 lessee by the short-term lessor. The submission of a true copy of a
3 lease or rental agreement is prima facie evidence that the vehicle
4 was in the care, custody or control of the lessee.

5 3. Upon the receipt of a true copy of a written lease or rental
6 agreement pursuant to subsection 2 which evidences that the vehicle
7 impounded by the *taxicab* authority pursuant to NRS ~~706.476~~
8 *706.88395* was under the care, custody or control of a lessee and
9 not the registered owner of the vehicle, the *taxicab* authority shall
10 release the vehicle to the short-term lessor.

11 4. As used in this section, “short-term lessor” has the meaning
12 ascribed to it in NRS 482.053.

13 **Sec. 151.7.** The title of Assembly Bill No. 677 of this session is
14 hereby amended to read as follows:

15 AN ACT relating to vehicles; providing immunity under certain
16 circumstances for short-term lessors of vehicles from
17 administrative fines and other penalties that may be
18 imposed by ~~the transportation services~~ *a taxicab*
19 authority for vehicles leased by short-term lessors that are
20 operated in passenger service without a certificate of
21 public convenience and necessity; providing for the
22 release of such a vehicle impounded by ~~the~~
23 ~~transportation services~~ *a taxicab* authority to a short-
24 term lessor; and providing other matters properly relating
25 thereto.

26 **Sec. 152.** 1. NRS 706.018, 706.021, 706.056, 706.072, 706.1512,
27 706.1514, 706.158, 706.168, 706.266, 706.282, 706.356, 706.371,
28 706.391, 706.396, 706.421, 706.426, 706.431, 706.436, 706.442, 706.443,
29 706.471, 706.6411, 706.749, 706.8811, 706.8812, 706.8813, 706.8814,
30 706.8816, 706.8817, 706.8818, 706.8828, 712.010, 712.020, 712.030,
31 712.040, 712.050, 712.060, 712.070, 712.080 and 712.090 are hereby
32 repealed.

33 2. NRS 706.476 is hereby repealed.

34 3. Section 4 of Assembly Bill No. 677 of this session is hereby
35 repealed.

36 **Sec. 153.** Any regulations relating to liability insurance adopted by the
37 transportation services authority pursuant to NRS 706.291, 706.303 or
38 706.305, or the taxicab authority created pursuant to former NRS
39 706.8818, remain in force until amended by the department of motor
40 vehicles and public safety. On and after October 1, 1999, such regulations
41 must be enforced by the department of motor vehicles and public safety.

1 **Sec. 154.** On October 1, 1999, the transportation services authority
2 and the taxicab authority created pursuant to former NRS 706.8818 shall
3 forward to the department of motor vehicles and public safety all liability
4 insurance policies, certificates of insurance, bonds of a surety company and
5 other surety which have been filed with the transportation services authority
6 and the taxicab authority created pursuant to former NRS 706.8818.

7 **Sec. 155.** 1. Except to the extent of any inconsistency with the
8 provisions of chapter 706 of NRS, any regulation adopted by the
9 transportation services authority remains in effect in the counties which
10 were not otherwise subject to the jurisdiction of the taxicab authority
11 created pursuant to former NRS 706.8818 until the date on which the
12 regulations adopted by the taxicab authority for northern Nevada pursuant
13 to section 157 of this act become effective. The regulations of the
14 transportation services authority must be enforced by the taxicab authority
15 for northern Nevada during the period between October 1, 1999, and the
16 date on which the regulations adopted by the taxicab authority for northern
17 Nevada pursuant to section 157 of this act become effective.

18 2. Any contracts or other agreements entered into on or before
19 September 30, 1999, by the transportation services authority relating to the
20 taxicab or limousine business are binding upon the taxicab authority which
21 has jurisdiction over the taxicabs or limousines that are subject to the
22 provisions of the contracts or other agreements. Such contracts and
23 agreements may be enforced by the taxicab authority for northern Nevada.

24 **Sec. 156.** 1. Except to the extent of any inconsistency with the
25 provisions of chapter 706 of NRS, any regulation adopted by the taxicab
26 authority created pursuant to former NRS 706.8818 remains in force in the
27 county which was subject to the jurisdiction of that taxicab authority until
28 the date on which the regulations adopted by the taxicab authority for
29 southern Nevada pursuant to section 157 of this act become effective. The
30 regulations of the taxicab authority created pursuant to former NRS
31 706.8818 must be enforced by the taxicab authority for southern Nevada
32 during the period between October 1, 1999, and the date on which the
33 regulations adopted by the taxicab authority for southern Nevada pursuant
34 to section 157 of this act become effective.

35 2. Any contracts or other agreements entered into on or before
36 September 30, 1999, by the taxicab authority created pursuant to former
37 NRS 706.8818 are binding upon the taxicab authority for southern Nevada.
38 Such contracts and agreements may be enforced by the taxicab authority for
39 southern Nevada.

40 **Sec. 157.** Not later than January 1, 2000, the taxicab authority for
41 southern Nevada and the taxicab authority for northern Nevada shall adopt
42 such regulations as are necessary to carry out the provisions of NRS
43 706.881 to 706.885, inclusive, and sections 12 to 21, inclusive, of this act.

1 **Sec. 158.** The board of county commissioners for each county
2 required to enact an ordinance pursuant to sections 20 and 21 of this act,
3 relating to the regulation of taxicab motor carriers and limousine motor
4 carriers that are based and primarily operate within the jurisdiction of the
5 board of county commissioners shall enact such an ordinance not later than
6 January 1, 2000. The ordinance must become effective on January 1, 2000.

7 **Sec. 159.** 1. Notwithstanding any specific statute to the contrary, the
8 terms of office of all members of the taxicab authority created pursuant to
9 NRS 706.8818 expire on September 30, 1999.

10 2. Not later than October 1, 1999, the governor shall appoint three
11 persons as members of the taxicab authority for southern Nevada, whose
12 terms commence on October 1, 1999. Notwithstanding the provisions of
13 section 12 of this act to the contrary, for the initial terms of the members of
14 the taxicab authority for southern Nevada, the governor shall appoint:

15 (a) Two members to 4-year terms; and

16 (b) One member to a 3-year term.

17 **Sec. 160.** 1. Not later than October 1, 1999, the governor shall
18 appoint three persons as members of the taxicab authority for northern
19 Nevada, whose terms commence on October 1, 1999.

20 2. Notwithstanding the provisions of section 13 of this act to the
21 contrary, for the initial terms of the members of the taxicab authority for
22 northern Nevada, the governor shall appoint, in addition to the appointment
23 of the sheriff of a county whose population is 100,000 or more but less than
24 400,000:

25 (a) One member to a 4-year term; and

26 (b) One member to a 3-year term.

27 **Sec. 161.** On October 1, 1999, the state controller shall transfer all
28 assets and liabilities from the taxicab authority fund abolished pursuant to
29 section 118 of this act to the taxicab authority regulatory fund for southern
30 Nevada created pursuant to section 118 of this act.

31 **Sec. 162.** The taxicab authority created pursuant to NRS 706.8818 and
32 the transportation services authority shall cooperate fully and take all
33 reasonable steps before October 1, 1999, to ensure that the provisions of
34 this act are carried out in an orderly fashion.

35 **Sec. 162.5.** The amendatory provisions of this act do not apply to
36 offenses that were committed before October 1, 1999.

37 **Sec. 163.** 1. This section, subsection 3 of section 152 and sections
38 159, 160 and 162 of this act become effective upon passage and approval.

39 2. Sections 1 to 107, inclusive, 109 to 134.5, inclusive, 136 to 151,
40 inclusive, subsection 1 of section 152 and sections 153 to 158, inclusive,
41 161, 162.5 and 164 of this act become effective on October 1, 1999.

42 3. Sections 108, 135, 151.5, 151.7 and subsection 2 of section 152 of
43 this act become effective at 12:01 a.m. on October 1, 1999.

1 **Sec. 164.** Sections 17, 18 and 19 of this act expire by limitation on the
2 date on which the provisions of 42 U.S.C. § 666 requiring each state to
3 establish procedures under which the state has authority to withhold or
4 suspend, or to restrict the use of professional, occupational and recreational
5 licenses of persons who:
6 1. Have failed to comply with a subpoena or warrant relating to a
7 proceeding to determine the paternity of a child or to establish or enforce
8 an obligation for the support of a child; or
9 2. Are in arrears in the payment for the support of one or more
10 children,
11 are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

706.018 “Authority” defined.
706.021 “Broker” defined.
706.056 “Converter gear dolly” defined.
706.072 “Fully regulated carrier” defined.
706.1512 Authority: Designation of chairman by governor;
executive officer; members in unclassified service of state.
706.1514 Authority: Power of majority of members; exercise of
power and conduct of business by majority of members; hearings.
706.158 Inapplicability of provisions governing brokers to motor
clubs and charitable organizations.
706.168 Supervision of motor carriers separate from supervision
of brokers.
706.266 Intrastate motor carriers required to furnish information
to authority.
706.282 Duty of fully regulated carrier that advertises to provide
to person who publishes or distributes advertisement of certain
information regarding natural person who requested advertisement;
duty of person who publishes or distributes advertisement of fully
regulated carrier to provide certain information to authority.
706.356 Certain free transportation prohibited.
706.371 Powers of authority to regulate contract motor carriers.
706.391 Hearing on application; conditions for issuance; power of
authority to dispense with hearing.
706.396 Effect of denial of certificate.
706.421 Contract motor carrier must obtain permit from
commission.

- 706.426 Application for permit: Contents and form.
- 706.431 Conditions for issuance or denial of permit; approval of contract entered into after issuance of permit.
- 706.436 Effect of denial of permit.
- 706.442 Requirements.
- 706.443 Enforcement of provisions of NRS 706.442 by authority; regulations.
- 706.471 Annual fee; penalty and interest.
- 706.476 Impoundment by authority of vehicle in unauthorized use as taxicab; notice and hearing; administrative fine.
- 706.6411 Procedure; limitation on transfer of stock of corporate motor carriers other than operators of tow cars.
- 706.749 Permit for employer transporting employees between place of work and homes or central areas for parking; requirements.
- 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.
- 706.8828 Insurance.
- 712.010 Short title.
- 712.020 Legislative declaration.
- 712.030 “Storage of household goods and effects” defined.
- 712.040 Permit for warehouse required.
- 712.050 Requirements for permit; grounds for revocation; fee; penalty.
- 712.060 Inspection by transportation services authority.
- 712.070 Rules and regulations of transportation services authority.
- 712.080 Disciplinary proceedings; judicial review.
- 712.090 Penalty.