

(REPRINTED WITH ADOPTED AMENDMENTS)

THIRD 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, carriers of household goods, 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 and carriers of household goods, 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. 2.5.** *“Carrier of household goods” means any person or*
- 7 *operator who is engaged in the business of transportation of household*
- 8 *goods.*
- 9 **Sec. 3.** *“Certificate holder” means:*
- 10 *1. With regard to an operator of a tow car, a person who holds a*
- 11 *current certificate of public convenience and necessity which was issued*
- 12 *for the operation of a tow car with respect to towing services performed*

1 without the prior consent of the owner of the vehicle or the person
2 authorized by the owner to operate the vehicle by:

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

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

10 2. With regard to a carrier of household goods, a person who holds a
11 current certificate of public convenience and necessity which was issued
12 for the operation of a carrier of household goods 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, or by operation of
16 law; or

17 (b) The transportation services authority and which has not been
18 transferred, suspended or revoked by the transportation services
19 authority or by operation of law.

20 3. With regard to a taxicab motor carrier or a limousine motor
21 carrier, a person who holds a current certificate of public convenience
22 and necessity which was issued for the operation of a taxicab motor
23 carrier or a limousine motor carrier subject to the jurisdiction of a
24 taxicab authority by:

25 (a) The previously existing public service commission of Nevada
26 before July 1, 1981, and which has not been transferred, revoked or
27 suspended by the transportation services authority, the previously
28 existing taxicab authority, the taxicab authority for southern Nevada or
29 the taxicab authority for northern Nevada, or by operation of law;

30 (b) The previously existing taxicab authority and which has not been
31 transferred, suspended or revoked by the transportation services
32 authority, the previously existing taxicab authority, the taxicab authority
33 for southern Nevada or the taxicab authority for northern Nevada, or by
34 operation of law;

35 (c) The transportation services authority and which has not been
36 transferred, suspended or revoked by the transportation services
37 authority, the previously existing taxicab authority, the taxicab authority
38 for southern Nevada or the taxicab authority for northern Nevada, or by
39 operation of law; or

40 (d) The taxicab authority for southern Nevada or the taxicab authority
41 for northern Nevada and which has not been transferred, suspended or
42 revoked by the taxicab authority for southern Nevada or the taxicab
43 authority for northern Nevada, or by operation of law.

1 **Sec. 4.** *“Driver” means a person who operates a taxicab or*
2 *limousine that is regulated pursuant to this chapter, and includes a*
3 *certificate holder if he actually operates the taxicab or limousine.*

4 **Sec. 5.** *“Limousine motor carrier” means a person who operates a*
5 *livery limousine or traditional limousine.*

6 **Sec. 6.** *“Livery limousine” means a motor vehicle that:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 2. The members of the taxicab authority for southern Nevada are in
8 the unclassified service of the state.

9 3. The taxicab authority for southern Nevada is the chief regulatory
10 agency for the business of transporting passengers by taxicab motor
11 carrier or limousine motor carrier in a county whose population is
12 400,000 or more, and in such other counties which elect pursuant to
13 section 20 of this act to be subject to the jurisdiction of the taxicab
14 authority for southern Nevada. The taxicab authority for southern
15 Nevada shall maintain its principal office in a county whose population
16 is 400,000 or more.

17 4. The taxicab authority for southern Nevada may adopt appropriate
18 regulations applicable in the counties subject to its jurisdiction for the
19 administration and enforcement of NRS 706.881 to 706.885, inclusive,
20 and sections 12 to 21, inclusive, of this act, and for the conduct of the
21 taxicab and limousine business and the qualifications of and the
22 issuance of permits to drivers of taxicabs and of limousines, not
23 inconsistent with the provisions of NRS 706.881 to 706.885, inclusive and
24 sections 12 to 21, inclusive, of this act. The regulations may include
25 different provisions for different counties to allow for differences among
26 the counties subject to the jurisdiction of the taxicab authority for
27 southern Nevada. Local law enforcement agencies and the Nevada
28 highway patrol, upon request of the taxicab authority for southern
29 Nevada, may assist in enforcing the provisions of NRS 706.881 to
30 706.885, inclusive, and sections 12 to 21, inclusive, of this act, and the
31 regulations adopted pursuant thereto by the taxicab authority for
32 southern Nevada.

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

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

39 (b) A person who has knowledge and experience in the transportation
40 industry; and

41 (c) A person who has knowledge and experience in business or
42 accounting.

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

5 3. While engaged in the business of the taxicab authority for
6 northern Nevada, each member of the taxicab authority for northern
7 Nevada is entitled to receive the per diem allowance and travel expenses
8 provided for state officers and employees generally.

9 4. The taxicab authority for northern Nevada is the chief regulatory
10 agency for the business of transporting passengers by taxicab motor
11 carrier or limousine motor carrier in a county whose population is
12 100,000 or more but less than 400,000 and in such other counties which
13 elect pursuant to section 20 of this act to be subject to the jurisdiction of
14 the taxicab authority for northern Nevada. The taxicab authority for
15 northern Nevada shall maintain its principal office in a county whose
16 population is 100,000 or more but less than 400,000.

17 5. The taxicab authority for northern Nevada may adopt appropriate
18 regulations applicable in the counties subject to its jurisdiction for the
19 administration and enforcement of NRS 706.881 to 706.885, inclusive,
20 and sections 12 to 21, inclusive, of this act, and for the conduct of the
21 taxicab business and the qualifications of and the issuance of permits to
22 drivers of taxicabs and of limousines, not inconsistent with the provisions
23 of NRS 706.881 to 706.885, inclusive, and sections 12 to 21, inclusive, of
24 this act. The regulations may include different provisions for different
25 counties to allow for differences among the counties subject to the
26 jurisdiction of the taxicab authority for northern Nevada. Local law
27 enforcement agencies and the Nevada highway patrol, upon request of
28 the taxicab authority for northern Nevada, may assist in enforcing the
29 provisions of NRS 706.881 to 706.885, inclusive, and sections 12 to 21,
30 inclusive, of this act, and the regulations adopted pursuant thereto by the
31 taxicab authority for northern Nevada.

32 **Sec. 14.** Except to the extent of any inconsistency with the provisions
33 of NRS 706.881 to 706.885, inclusive, and sections 12 to 21, inclusive, of
34 this act, every order issued by the transportation services authority or the
35 previously existing taxicab authority remains in effect until the order is
36 modified or rescinded by a taxicab authority. The taxicab authority for
37 southern Nevada or the taxicab authority for northern Nevada, as
38 appropriate, shall enforce such an order until the order is modified or
39 rescinded.

40 **Sec. 15.** 1. If a taxicab authority has established a system of
41 allocations for taxicabs and limousines in a county subject to its
42 jurisdiction, the taxicab authority shall, on or before April 1 of each year,

1 *increase the number of allocated taxicabs and limousines in that county*
2 *by a percentage which is equal to the average of:*

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

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

10 *2. Except as otherwise provided in this subsection, on or before*
11 *February 15, each board of county commissioners in this state shall*
12 *prepare and cause to be published an annual report setting forth the*
13 *number of passengers who arrived by commercial airline at an airport*
14 *located in the county during each month in the preceding calendar year.*
15 *A board of county commissioners does not have to submit a report*
16 *pursuant to this subsection if no commercial airline operates at any*
17 *airport located within the county.*

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

19 *Sec. 16. Except as otherwise provided in subsection 6 of NRS*
20 *706.8827:*

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

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

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

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

35 *Sec. 17. An applicant for a driver's permit pursuant to NRS*
36 *706.8841 must include his social security number with his application for*
37 *the initial issuance or renewal of a driver's permit. The taxicab authority*
38 *to which the application for a driver's permit is submitted shall keep the*
39 *social security number of each applicant and licensee in the record for*
40 *the applicant or permittee, as appropriate.*

41 *Sec. 18. 1. A person who applies to a taxicab authority for the*
42 *issuance or renewal of a driver's permit pursuant to NRS 706.8841 shall*
43 *submit to the taxicab authority the statement prescribed by the welfare*

1 *division of the department of human resources pursuant to NRS 425.520.*
2 *The statement must be completed and signed by the applicant.*

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

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

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

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

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

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

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

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

20 *(b) Indicates on the statement submitted pursuant to subsection 1 that*
21 *he is subject to a court order for the support of a child and is not in*
22 *compliance with the order or a plan approved by the district attorney or*
23 *other public agency enforcing the order for the repayment of the amount*
24 *owed pursuant to the order.*

25 *5. If the applicant indicates on the statement submitted pursuant to*
26 *subsection 1 that he is subject to a court order for the support of a child*
27 *and is not in compliance with the order or a plan approved by the district*
28 *attorney or other public agency enforcing the order for the repayment of*
29 *the amount owed pursuant to the order, the taxicab authority shall advise*
30 *the applicant to contact the district attorney or other public agency*
31 *enforcing the order to determine the actions that the applicant may take*
32 *to satisfy the arrearage.*

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

35 **Sec. 19. 1.** *If a taxicab authority receives a copy of a court order*
36 *issued pursuant to NRS 425.540 that provides for the suspension of all*
37 *professional, occupational and recreational licenses, certificates and*
38 *permits issued to a person who is the holder of a driver's permit issued by*
39 *that taxicab authority, the taxicab authority shall deem the driver's*
40 *permit issued to that person to be suspended at the end of the 30th day*
41 *after the date on which the court order was issued unless the taxicab*
42 *authority receives a letter issued to the holder of the permit by the district*
43 *attorney or other public agency pursuant to NRS 425.550 stating that the*

1 *holder of the permit has complied with the subpoena or warrant or has*
2 *satisfied the arrearage pursuant to NRS 425.560.*

3 *2. A taxicab authority shall reinstate a driver's permit that has been*
4 *suspended by a district court pursuant to NRS 425.540 if the taxicab*
5 *authority receives a letter issued by the district attorney or other public*
6 *agency pursuant to NRS 425.550 to the person whose permit was*
7 *suspended stating that the person whose permit was suspended has*
8 *complied with the subpoena or warrant, or has satisfied the arrearage*
9 *pursuant to NRS 425.560.*

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

13 *(a) Include the county in the jurisdiction of the taxicab authority for*
14 *southern Nevada;*

15 *(b) Include the county in the jurisdiction of the taxicab authority for*
16 *northern Nevada; or*

17 *(c) Exclude the county from the jurisdiction of both the taxicab*
18 *authority for southern Nevada and the taxicab authority for northern*
19 *Nevada.*

20 *2. Upon enacting such an ordinance, the board of county*
21 *commissioners shall notify each taxicab authority specified in the*
22 *ordinance, the previous taxicab authority to whose jurisdiction the*
23 *county was subject, if any, and the department of the ordinance.*

24 **Sec. 21. 1.** *If a board of county commissioners enacts an*
25 *ordinance approving the exclusion of the county from the jurisdiction of*
26 *a taxicab authority pursuant to section 20 of this act, the board of county*
27 *commissioners may enact such other ordinances as it may deem*
28 *necessary to regulate the conduct of the business of taxicab motor*
29 *carriers and limousine motor carriers that are based and primarily*
30 *operate within that county. If enacted, such ordinances must be*
31 *consistent with the legislative policies set forth in NRS 706.151.*

32 *2. If a board of county commissioners enacts an ordinance*
33 *approving the inclusion of the county in the jurisdiction of the taxicab*
34 *authority for southern Nevada or the taxicab authority for northern*
35 *Nevada, the board of county commissioners shall not amend or repeal*
36 *the ordinance, or enact any other ordinance pursuant to section 20 of*
37 *this act, for at least 2 years after the date on which the ordinance*
38 *approving the inclusion of the county in the jurisdiction of a taxicab*
39 *authority becomes effective.*

40 *3. A person who is regulated by a county in accordance with this*
41 *section shall pay to the county \$100 per year for each taxicab and \$250*
42 *per year for each limousine that the person operates and a fee set by the*
43 *board of county commissioners by ordinance that must not exceed 15*

1 *cents per trip for each compensable trip of each of those taxicabs, which*
2 *may be added to the meter charge.*

3 *4. Except as otherwise provided in this subsection, all money*
4 *collected by the board of county commissioners relating to the regulation*
5 *of taxicab motor carriers and limousine motor carriers pursuant to this*
6 *section must be deposited with the county treasurer of that county and*
7 *accounted for separately in the county general fund. All money collected*
8 *by a county for a fine or other monetary penalty must be deposited with*
9 *the state treasurer for deposit in the state general fund.*

10 *5. No ordinance enacted by a board of county commissioners*
11 *pursuant to:*

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

14 *(b) Subsection 1 to regulate the conduct of the business of taxicab*
15 *motor carriers and limousine motor carriers that are based and primarily*
16 *operate within that county,*
17 *may be construed as motor vehicle registration law and any license fees*
18 *that may be imposed by a board of county commissioners pursuant*
19 *thereto are in addition to the fees for motor vehicle registration required*
20 *under the laws of this state.*

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

22 706.011 As used in ~~[NRS 706.013 to 706.791, inclusive,]~~ *this chapter,*
23 unless the context otherwise requires, the words and terms defined in NRS
24 706.013 to 706.146, inclusive, *and sections 2 to 10, inclusive, of this act*
25 have the meanings ascribed to them in those sections.

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

27 706.013 "Advertise" means the commercial use of any medium,
28 including, but not limited to, the radio or television, or a newspaper,
29 magazine, directory, sign or other printed matter, by ~~[a common or contract~~
30 ~~motor carrier]~~ *an operator of a tow car a carrier of household goods, or a*
31 *contract motor carrier with regard to the transportation of household*
32 *goods, to bring the services of the operator or carrier to the attention of*
33 *members of the general public.*

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

35 706.036 "Common motor carrier" means any person or operator who
36 holds himself out to the public as willing to transport by vehicle from place
37 to place, either upon fixed route or on-call operations, passengers or
38 property, including a common motor carrier of passengers ~~[,]~~ *and* a
39 common motor carrier of property . ~~[, and]~~ *The term does not include* a
40 *taxicab motor carrier* ~~[,]~~ *, a limousine motor carrier, an operator of a tow*
41 *car or a carrier of household goods.*

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

2 706.041 “Common motor carrier of passengers” means any person or
3 operator ~~[-, including a taxicab motor carrier,]~~ who holds himself out to the
4 public as willing to transport by vehicle from place to place, either upon
5 fixed route or on-call operations, passengers or passengers and light
6 express for all who may choose to employ him. *The term does not include*
7 *a taxicab motor carrier or limousine motor carrier.*

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

9 706.046 “Common motor carrier of property” means any person or
10 operator, including a motor convoy carrier, who holds himself out to the
11 public as willing to transport by motor vehicle from place to place, either
12 upon fixed route or on-call operations, the property of all who may choose
13 to employ him. *The term does not include an operator of a tow car or a*
14 *carrier of household goods.*

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

16 706.051 “Contract motor carrier” means any person or operator
17 engaged in transportation by motor vehicle of passengers or household
18 goods for compensation pursuant to continuing contracts with one person
19 or a limited number of persons:

20 1. For the furnishing of transportation services through the assignment
21 of motor vehicles for a continuing period ~~[of time]~~ to the exclusive use of
22 each person served;

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

25 3. Not operating as a common motor carrier of passengers or property
26 ~~[-], as a taxicab motor carrier or limousine motor carrier, or as a carrier~~
27 *of household goods.*

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

29 706.085 “Household goods” means personal effects and property used
30 or to be used in a dwelling which are part of the equipment or supply of the
31 dwelling and ~~[such]~~ other similar property as the *transportation services*
32 authority may provide by regulation. The term does not include property
33 moving from a factory or store, except property that the householder has
34 purchased with the intent to use in his dwelling and that is transported at the
35 request of, and the transportation charges paid to the carrier by, the
36 householder.

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

38 706.124 **1.** “Taxicab” means a vehicle which is not operated over a
39 fixed route, is designed or constructed to accommodate and transport not
40 more than six passengers, including the driver, and is:

41 ~~[-]~~ **(a)** Fitted with a taximeter or has some other device, method or
42 system to indicate and determine the passenger fare charged for the
43 distance

traveled;

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

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

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

(a) A common motor carrier;

(b) A contract motor carrier;

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

(d) An operator of a bus service; or

(e) A limousine motor carrier.

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

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

(a) ~~[Except to the extent otherwise provided in NRS 706.881 to 706.885, inclusive, to]~~ To confer upon the **transportation services** authority the power and to make it the duty of the **transportation services** authority to regulate ~~[fully regulated carriers,]~~ operators of tow cars ~~[and brokers of regulated services]~~, **carriers of household goods, and contract motor carriers with regard to the transportation of household goods**, to the extent provided in this chapter, and to confer upon the department the power to license all motor carriers **subject to the provisions of this chapter** and to make it the duty of the department to enforce the provisions of this chapter and the regulations adopted by the **transportation services** authority pursuant ~~[to it,]~~ **thereto**, to relieve the undue burdens on the highways arising by reason of the use of the highways by vehicles in a gainful occupation thereon.

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

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

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

(1) Intrastate transportation by ~~[fully regulated carriers,]~~ **carriers of household goods, and contract motor carriers with regard to the transportation of household goods;**

and

1 (2) Towing services performed without the prior consent of the
2 owner of the vehicle or the person authorized by the owner to operate the
3 vehicle,
4 without unjust discriminations against or undue preferences or advantages
5 being given to any ~~{motor carrier}~~ *operator of a tow car, carrier of*
6 *household goods* or applicant for a certificate of public convenience and
7 necessity.

8 (e) To discourage any practices which would tend to increase or create
9 competition that may be detrimental to the ~~{traveling and shipping public or~~
10 ~~the motor carrier}~~ *business of towing vehicles without the prior consent of*
11 *the owner of the vehicle or the person authorized by the owner to operate*
12 *the vehicle, the business of carriers of household goods, or the business*
13 *of contract motor carriers with regard to the transportation of household*
14 *goods*, within this state.

15 2. All ~~{of}~~ the provisions of this chapter must be administered and
16 enforced with a view to carrying out the declaration of policy contained in
17 this section.

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

19 706.1511 1. The transportation services authority is hereby created.

20 2. The *chief of the transportation services* authority ~~{consists of three~~
21 ~~members appointed by the governor. After the initial term each member~~
22 ~~shall serve}~~ *is the commissioner of the transportation services authority.*
23 *The governor shall appoint the commissioner for* a term of 4 years.

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

- 27 (a) Accounting.
28 (b) Business administration.
29 (c) Economics.
30 (d) Administrative law.
31 (e) Transportation.
32 (f) Professional engineering.

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

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

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

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

38 ~~—5. All of the members}~~

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

43 ~~{6. The members of the authority}~~

1 **5. The commissioner** shall give ~~their~~ **his** entire time to the business
2 of the **transportation services** authority and shall not pursue any other
3 business or vocation or hold any other office of profit.

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

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

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

7 706.1513 The **transportation services** authority may sue and be sued in
8 the name of the transportation services authority.

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

10 706.1515 1. Any ~~{common or contract carrier}~~ **operator of a tow car,**
11 **carrier of household goods, or contract motor carrier with regard to the**
12 **transportation of household goods,** subject to the jurisdiction of the
13 **transportation services** authority that elects to maintain its books and
14 records outside the State of Nevada ~~{shall,}~~ **must,** in addition to any other
15 assessment and fees provided for by law, be assessed **in advance** by the
16 **transportation services** authority for an amount **which the transportation**
17 **services authority reasonably estimates will be** equal to **the amount that**
18 **will be incurred for** the travel expenses and the excess of the out-of-state
19 subsistence allowances over the in-state subsistence allowances, as fixed by
20 NRS 281.160, ~~{of members}~~ **by the commissioner** of the **transportation**
21 **services** authority and staff, for investigations, inspections and audits
22 required to be performed outside this state.

23 2. The ~~{assessments}~~ **actual amount of the assessment** provided for by
24 this section must be determined by the **transportation services** authority
25 upon the completion of each such investigation, inspection, audit or
26 appearance . ~~{and are}~~ **If the actual amount of the assessment is less than**
27 **the estimated amount of the assessment, the transportation services**
28 **authority shall refund the difference to the affected operator or carrier,**
29 **as appropriate. If the actual amount of the assessment is greater than the**
30 **estimated amount of the assessment paid by the affected operator or**
31 **carrier, the transportation services authority shall assess the affected**
32 **operator or carrier an amount that is equal to the difference between the**
33 **estimated and actual assessment. The final assessment is** due within 30
34 days after receipt by the affected ~~{common or contract carrier}~~ **operator or**
35 **carrier** of the notice of **the** assessment.

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

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

41 706.1516 1. The transportation services authority regulatory fund is
42 hereby created as a special revenue fund. ~~{All}~~ **Except as otherwise**
43 **provided in this section, all** money collected by the **transportation services**

1 authority pursuant to law must be deposited in the state treasury for credit
2 to the fund.

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

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

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

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

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

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

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

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

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

22 706.1517 Employees of the *transportation services* authority who are
23 peace officers may carry firearms in the performance of their duties.

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

25 706.1518 Except as otherwise provided in NRS 706.1725, the
26 *transportation services* authority shall make and publish biennial reports
27 showing its proceedings. All biennial reports, records, proceedings, papers
28 and files of the *transportation services* authority must be open at all
29 reasonable times to the public.

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

31 706.156 ~~{1. All common and contract motor carriers and brokers}~~ *All*
32 *operators of tow cars, carriers of household goods, and contract motor*
33 *carriers with regard to the transportation of household goods,* are hereby
34 declared to be, to the extent provided in this chapter:

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

36 ~~{(b)}~~ 2. Subject to NRS ~~{706.011}~~ *706.151* to 706.791, inclusive ~~{~~
37 ~~—2. A purchaser or broker of transportation services which are provided~~
38 ~~by a common motor carrier who holds a certificate of public convenience~~
39 ~~and necessity may resell those services, in combination with other services~~
40 ~~and facilities that are not related to transportation, but only in a manner~~
41 ~~complying with the scope of authority set forth in the certificate of the~~
42 ~~common motor carrier. The authority shall not prohibit or restrict such a~~
43 ~~purchaser or broker from reselling those transportation services to any~~

1 ~~person based upon that person's affiliation, or lack of affiliation, with any~~
2 ~~group.], and section 11 of this act.~~

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

4 706.166 The *transportation services* authority shall:

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

7 (a) Every ~~[fully regulated carrier and broker of regulated services]~~
8 *carrier of household goods, and every contract motor carrier with regard*
9 *to the transportation of household goods*, in this state in all matters
10 directly related to those activities of the ~~[motor carrier and broker]~~ *carrier*
11 actually necessary for the transportation of ~~[persons or]~~ property, including
12 the handling and storage of that property, over and along the highways.

13 (b) Every operator of a tow car concerning the rates and charges
14 assessed for towing services performed without the prior consent of the
15 operator of the vehicle or the person authorized by the owner to operate the
16 vehicle and pursuant to the provisions of NRS ~~[706.011]~~ *706.151* to
17 706.791, inclusive ~~[.]~~, *and section 11 of this act.*

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

21 3. Enforce the standards of safety applicable to the employees,
22 equipment, facilities and operations of ~~[those common and contract carriers~~
23 ~~subject to the authority or the department]~~ *operators of tow cars, carriers*
24 *of household goods, and contract motor carriers with regard to the*
25 *transportation of household goods*, by:

26 (a) Providing training in safety;

27 (b) Reviewing and observing the programs or inspections of ~~[the carrier]~~
28 *operators of tow cars, carriers of household goods, and contract motor*
29 *carriers with regard to the transportation of household goods*, relating to
30 safety; and

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

33 4. To carry out the policies expressed in NRS 706.151, adopt
34 regulations providing for agreements between two or more ~~[fully regulated~~
35 ~~carriers or two or more]~~ *operators of tow cars , carriers of household*
36 *goods, or contract motor carriers with regard to the transportation of*
37 *household goods*, relating to:

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

39 ~~(b)]~~ All rates of ~~[fully regulated]~~ *carriers of household goods and*
40 *contract motor carriers with regard to the transportation of household*
41 *goods*, and rates of operators of tow cars for towing services performed
42 without the prior consent of the owner of the vehicle or the person

43 authorized by the owner to operate the vehicle;

1 ~~[(e)]~~ (b) Classifications;
2 ~~[(d)]~~ (c) Divisions;
3 ~~[(e)]~~ (d) Allowances; and
4 ~~[(f)]~~ (e) All charges of ~~fully-regulated~~ carriers *of household goods*
5 *and contract motor carriers with regard to the transportation of*
6 *household goods*, and charges of operators of tow cars for towing services
7 performed without the prior consent of the owner of the vehicle or the
8 person authorized by the owner to operate the vehicle, including charges
9 between carriers and compensation paid or received for the use of facilities
10 and equipment.
11 These regulations may not provide for collective agreements which restrain
12 any party from taking free and independent action.
13 5. Review decisions of ~~the~~ a taxicab authority appealed to the
14 *transportation services* authority pursuant to NRS 706.8819.
15 Sec. 39. NRS 706.167 is hereby amended to read as follows:
16 706.167 1. Each ~~fully-regulated-carrier,~~ operator of a tow car ~~and~~
17 ~~common-or-contract~~, carrier *of household goods, and contract motor*
18 *carrier with regard to the transportation of household goods*, regulated by
19 the *transportation services* authority shall:
20 (a) Keep uniform and detailed accounts of all business transacted in the
21 manner required by the *transportation services* authority by regulation and
22 render them to the *transportation services* authority upon its request.
23 (b) Furnish an annual report to the *transportation services* authority in
24 the form and detail that it prescribes by regulation.
25 The regulations of the *transportation services* authority may not require an
26 operator of a tow car to keep accounts and report information concerning
27 towing services *performed without the prior consent of the owner of the*
28 *vehicle or the person authorized by the owner to operate the vehicle* other
29 than information that is necessary to permit the *transportation services*
30 authority to enforce the provisions of NRS ~~706.011~~ 706.151 to 706.791,
31 inclusive ~~of~~, and section 11 of this act.
32 2. Except as otherwise provided in subsection 3, the reports required
33 by this section must be prepared for each calendar year and submitted not
34 later than May 15 of the year following the year for which the report is
35 submitted.
36 3. A carrier *of household goods* may, with the permission of the
37 *transportation services* authority, prepare the reports required by this
38 section for a year other than a calendar year that the *transportation services*
39 authority specifies and submit them not later than a date specified by the
40 *transportation services* authority in each year.
41 4. If the *transportation services* authority finds that necessary
42 information is not contained in a report submitted pursuant to this section,
43 it may call for the omitted information at any time.

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

2 706.1675 Every annual report, record or statement required by law to
3 be made to the **transportation services** authority must be submitted under
4 oath by the proper officer, agent or person responsible for submitting the
5 report, record or statement.

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

7 706.169 The department shall ~~be~~:

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

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

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

13 706.171 1. The ~~authority and the~~ department may:

14 (a) Make necessary and reasonable regulations governing the
15 administration and enforcement of the provisions of this chapter for which
16 ~~they are each~~ **the department is** responsible.

17 (b) Adopt by reference any appropriate rule or regulation, as it exists at
18 the time of adoption, issued by the United States Department of
19 Transportation, the Surface Transportation Board, any other agency of the
20 Federal Government, or the National Association of Regulatory Utility
21 Commissioners.

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

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

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

37 2. No personnel records of an employee of a ~~fully regulated carrier, or~~
38 ~~of any other~~ common, contract or private motor carrier , **taxicab motor**
39 **carrier, limousine motor carrier, operator of a tow car or carrier of**
40 **household goods** may be examined pursuant to paragraph (d) of subsection
41 1 unless the records contain information relating to a matter of public safety
42 or ~~the authority and~~ the department ~~determine~~ **determines** that the
43 examination is required to protect the interests of the public.

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

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

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

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

16 706.1715 1. The attorney general shall:

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

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

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

24 2. The attorney general or any district attorney may prosecute any
25 violation of this chapter *or chapter 712 of NRS* for which a criminal
26 penalty is provided.

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

28 706.1717 The *transportation services* authority may, in carrying out its
29 duties:

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

32 2. Confer with the regulatory agencies of other states on matters of
33 mutual concern and benefit to persons served by ~~motor~~ *operators of tow*
34 *cars and* carriers *of household goods* of this state.

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

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

2 706.172 1. *The transportation services authority may:*

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

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

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

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

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

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

28 ~~{3.}~~ 4. As used in this section, “personnel records” does not include:

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

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

41 706.1725 1. Any books, accounts, records, minutes, papers and
42 property of any ~~carrier~~ *operator of a tow car or carrier of household*
43 *goods* that are subject to examination pursuant to NRS 706.1518 and

1 706.172, and are made available to the *transportation services* authority,
2 any officer or employee of the *transportation services* authority, or any
3 other person under the condition that the disclosure of such information to
4 the public be withheld or otherwise limited, must not be disclosed to the
5 public unless the *transportation services* authority first determines that the
6 disclosure is justified.

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

10 (a) Granting such protective orders as it deems necessary; and

11 (b) Holding closed hearings to receive or examine such information.

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

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

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

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

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

29 706.173 1. The *transportation services* authority or the department
30 may, by regulation applicable to ~~common, contract and private motor~~
31 ~~carriers of passengers and property,~~ *operators of tow cars and carriers of*
32 *household goods*, adopt standards for safety for drivers and vehicles.

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

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

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

42 706.176 The *commissioner of the transportation services* authority
43 may:

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

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

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

4 706.197 1. The *transportation services* authority may collect fees for
5 the filing of any official document required by this chapter or by a
6 regulation of the *transportation services* authority.

7 2. Filing fees may not exceed:

8 (a) For applications, \$200.

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

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

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

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

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

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

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

21 706.201 To the extent that such costs cannot be paid for from the
22 transportation services authority regulatory fund, the costs of administration
23 of ~~this chapter~~ *NRS 706.151 to 706.791, inclusive, and section 11 of this*
24 *act by the transportation services authority* must be paid from the state
25 highway fund on claims presented by the *transportation services* authority
26 or department, approved by the state board of examiners.

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

28 706.226 No common, contract or private motor carrier, *taxicab motor*
29 *carrier, limousine motor carrier, operator of a tow car or carrier of*
30 *household goods* may operate on any highway ~~nor any broker of regulated~~
31 ~~services engage in business~~ in this state except in accordance with the
32 provisions of this chapter.

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

34 706.231 Sheriffs and all other peace officers and traffic officers of this
35 state are charged with the duty, without further compensation, of assisting
36 in the enforcement of this chapter. ~~They~~ *The officers* shall make arrests
37 for this purpose when requested by an authorized agent of the department,
38 *transportation services* authority or other competent authority.

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

40 706.246 1. Except as otherwise provided in NRS 706.235:

41 ~~1-~~ (a) A common or contract motor carrier, *taxicab motor carrier,*
42 *limousine motor carrier, operator of a tow car or carrier of household*

43 *goods* shall not permit or require a driver to drive or tow any vehicle

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

12 ~~2.—A common or contract motor carrier or private motor carrier~~

13 **(b) An operator of a tow car or a carrier of household goods** shall not
14 permit or require a driver to drive or tow, and a driver shall not drive or
15 tow, any vehicle which:

16 ~~[(a)]~~ **(1)** By reason of its mechanical condition is so imminently
17 hazardous to operate as to be likely to cause an accident or a breakdown;
18 and

19 ~~[(b)]~~ **(2)** Has been declared “out of service” by an authorized
20 employee of the **transportation services** authority . ~~for the department.~~
21 When the repairs have been made, the **operator or carrier** shall so certify to
22 the **transportation services** authority ~~for the department, whichever agency~~
23 ~~declared the vehicle “out of service,”~~ as required by the **transportation**
24 **services** authority . ~~for the department.~~

25 **(c) A common or contract motor carrier, private motor carrier,**
26 **taxicab motor carrier, limousine motor carrier, operator of a tow car or**
27 **carrier of household goods shall not permit or require a driver to drive,**
28 **and a driver shall not drive, any vehicle which:**

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

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

34 **When the repairs have been made, the carrier or operator, as**
35 **appropriate, shall so certify to the department, as required by the**
36 **department.**

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

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

41 706.251 1. Every person operating a vehicle used by any motor
42 carrier under the jurisdiction of the **transportation services** authority shall
43 forthwith report each accident occurring on the public highway, wherein the

1 vehicle may have injured the person or property of some person other than
2 the person or property carried by the vehicle, to the sheriff or other peace
3 officer of the county where the accident occurred. If the accident
4 immediately or proximately causes death, the person in charge of the
5 vehicle, or any officer investigating the accident, shall furnish to the
6 *transportation services* authority such detailed report thereof as required by
7 the *transportation services* authority.

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

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

18 706.256 The *transportation services* authority may, in the interest of
19 safety or service, after hearing:

20 1. Determine and order repairs of facilities of ~~{common and contract~~
21 ~~motor carriers;}~~ *operators of tow cars or carriers of household goods;* and

22 2. Order the use of safety appliances by such *operators or* carriers in
23 the interest of the public and employees.

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

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

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

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

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

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

40 706.285 All advertising by ~~{~~

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

42 ~~2.— An} an operator of a tow car, a carrier of household goods, or a~~
43 *contract motor carrier with regard to the transportation of household*

1 *goods*, must include the number of the certificate of public convenience and
2 necessity *or contract carrier's permit* issued to him by the *transportation*
3 *services* authority.

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

5 706.2855 1. If the *transportation services* authority finds, after
6 notice and hearing, that a person has violated NRS 706.285, the
7 *transportation services* authority may, in addition to any penalty,
8 punishment or disciplinary action authorized by this chapter, petition a
9 court of competent jurisdiction for an injunction prohibiting the person
10 from continuing to:

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

12 or

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

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

17 (a) Enjoin him from continuing the advertising.

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

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

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

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

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

31 (a) A public utility furnishing telephone service.

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

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

35 706.286 1. ~~{When}~~ *If* a complaint is made against any ~~{fully~~
36 ~~regulated carrier or}~~ operator of a tow car ~~{by any person,}~~ *carrier of*
37 *household goods, or contract motor carrier with regard to the*
38 *transportation of household goods*, that:

39 (a) Any of the rates, tolls, charges or schedules, or any joint rate or rates
40 assessed by any ~~{fully regulated carrier or by any}~~ operator of a tow car for
41 towing services performed without the prior consent of the owner of the
42 vehicle or the person authorized by the owner to operate the vehicle, *or*

43 *any carrier of household goods, or contract motor carrier with regard to*

1 *the transportation of household goods* are in any respect unreasonable or
2 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 ~~fit~~ *the complaint* to the ~~carrier-or~~ operator of a tow car *or*
13 *carrier of household goods* against ~~whom~~ *which* the complaint ~~is~~ *was*
14 made. Within a reasonable time thereafter, the ~~carrier-or~~ operator of a tow
15 car *or carrier of household goods* shall provide the *transportation services*
16 authority with ~~its~~ *his* written response to the complaint according to the
17 regulations of the *transportation services* 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, against any carrier of household goods by another*
23 *carrier of household goods, or against any contract motor carrier with*
24 *regard to the transportation of household goods, and the transportation*
25 *services authority does not find probable cause for the complaint, the*
26 *transportation services authority may recover from the complainant the*
27 *cost of court reporting and investigation, and other necessary expenses*
28 *incurred by the transportation services authority.*

29 3. No order affecting a rate, toll, charge, schedule, regulation,
30 measurement, practice or act complained of may be entered without a
31 formal hearing unless the hearing is dispensed with as provided in NRS
32 706.2865.

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

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

40 (a) The manner of giving notice; and

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

1 2. Unless, within 10 days after the date of the notice of pendency, a
2 person entitled to notice of the hearing files with the *transportation*
3 *services* authority a request that the hearing be held, the *transportation*
4 *services* authority may dispense with a hearing and act upon the matter
5 pending.

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

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

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

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

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

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

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

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

41 706.2875 1. Any party is entitled to an order by the *transportation*
42 *services* authority for the appearance of witnesses or the production of
43 books, papers and documents containing material testimony.

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

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

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

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

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

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

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

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

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

1 4. The proceedings thereafter are governed by the provisions of
2 chapter 233B of NRS.

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

4 706.291 1. The ~~{authority shall require every fully regulated carrier~~
5 ~~and every operator of a tow car, within such time and in such amounts as~~
6 ~~the authority may designate, to file with the authority in a form required~~
7 ~~and approved by the authority a liability insurance policy, or a certificate of~~
8 ~~insurance in lieu thereof, or a bond of a surety company, or other surety, in~~
9 ~~such reasonable sum as the authority may deem necessary to protect~~
10 ~~adequately the interests of the public.~~

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

24 ~~{3.}~~ 2. The liability insurance policy or certificate, policy or bond of a
25 surety company or other surety must bind the obligors thereunder to pay the
26 compensation for injuries to persons or for loss or damage to property
27 resulting from the negligent operation of the carrier ~~{.~~

28 ~~—4.—~~ The authority and the *or operator.*

29 3. The department may ~~{jointly}~~ prescribe by regulation the
30 ~~{respective}~~ amounts and forms required by ~~{subsections 1 and 2.}~~
31 *subsection 1.*

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

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

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

2 706.303 The ~~authority~~ **department** shall adopt regulations requiring
3 all operators of horse-drawn vehicles ~~subject to its regulation and~~
4 ~~supervision~~ to maintain a contract of insurance against liability for injury
5 to persons and damage to property for each such vehicle. The amounts of
6 coverage required by the regulations:

7 1. Must not exceed a total of:

8 (a) For bodily injury to or the death of one person in any one accident,
9 \$250,000;

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

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

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

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

18 706.305 The ~~authority~~ **department** shall adopt regulations requiring
19 all operators of taxicabs subject to ~~its~~ **the** regulation and supervision **of a**
20 **taxicab authority** to maintain a contract of insurance against liability for
21 injury to persons and damage to property for each taxicab. The amounts of
22 coverage required by the regulations:

23 1. Must not exceed a total of:

24 (a) For bodily injury to or the death of one person in any one accident,
25 \$250,000;

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

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

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

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

34 706.3052 1. Except as otherwise provided in subsection 2, an
35 operator of a taxicab may operate under a program of self-insurance in
36 compliance with the provisions of NRS 706.3054 or 706.3056 in lieu of the
37 insurance against liability required by the regulations adopted pursuant to
38 NRS 706.305.

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

41 **3. An operator of a taxicab to whom the department has issued a**
42 **certificate of self-insurance may self-insure the first \$50,000, combined**

1 *single-limit, per accident, of the coverage required by the regulations*
2 *adopted pursuant to NRS 706.305.*

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

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

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

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

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

17 706.321 1. ~~{Except as otherwise provided in subsection 2, every~~
18 ~~common or contract motor carrier}~~ *Every carrier of household goods* shall
19 file with the *transportation services* authority:

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

22 (1) Be open to public inspection; and

23 (2) Include all rates ~~{, fares}~~ and charges which the carrier has
24 established and which are in force at the time of filing for any service
25 performed in connection therewith by any carrier controlled and operated
26 by it.

27 (b) As a part of that schedule, all regulations of the carrier that in any
28 manner affect the rates ~~{or fares}~~ charged or to be charged for any service
29 and all regulations of the carrier that the carrier has adopted to comply with
30 the provisions of NRS 706.011 to 706.791, inclusive ~~{,}~~ *, and section 11 of*
31 *this act.*

32 2. Every operator of a tow car shall file with the *transportation*
33 *services* authority:

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

36 (1) Be open to public inspection; and

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

41 (b) As a part of that schedule, all regulations of the operator of the tow
42 car which in any manner affect the rates charged or to be charged for
43 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 and all
2 regulations of the operator of the tow car that the operator has adopted to
3 comply with the provisions of NRS ~~{706.011}~~ 706.151 to 706.791,
4 inclusive ~~{,}~~, and section 11 of this act.

5 3. No changes may be made ~~{in any schedule, including schedules of~~
6 ~~joint rates, or}~~ in the regulations affecting any rates or charges, except upon
7 ~~{30}~~ 60 days' notice to the **transportation services** authority. ~~{, and all~~
8 ~~those changes must be plainly indicated on any new schedules filed in lieu~~
9 ~~thereof 30 days before the time they are to take effect.}~~ The **transportation**
10 **services** authority, upon application of any ~~{carrier,}~~ **operator of a tow car**
11 **or carrier of household goods**, may prescribe a shorter time within which
12 changes may be made. The ~~{30}~~ 60 days' notice is not applicable when the
13 **operator of a tow car or carrier of household goods** gives written notice to
14 the **transportation services** authority 10 days before the effective date of its
15 participation in a tariff bureau's rates and tariffs, provided the rates and
16 tariffs have been previously filed with and approved by the **transportation**
17 **services** authority.

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

22 ~~{5.}~~ 4. The **transportation services** authority may dispense with the
23 hearing on any change requested in rates, fares, charges, regulations,
24 practices or service filed pursuant to this section.

25 ~~{6.}~~ 5. All rates, fares, charges, classifications and joint rates,
26 regulations, practices and services fixed by the **transportation services**
27 authority are in force, and are prima facie lawful, from the date of the order
28 until changed or modified by the **transportation services** authority, or
29 pursuant to NRS 706.2883.

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

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

35 706.323 1. Except as otherwise provided in subsection 2, the
36 **transportation services** authority may not investigate, suspend, revise or
37 revoke any rate that is subject to the approval of the **transportation services**
38 authority pursuant to NRS 706.321 and proposed by ~~{a common motor~~
39 ~~carrier or contract motor carrier}~~ **an operator of a tow car or a carrier of**
40 **household goods** because the rate is too high or too low and therefore
41 unreasonable if:

42 (a) The ~~{motor carrier}~~ **operator of a tow car or carrier of household**
43 **goods** notifies the **transportation services** authority that it wishes to have

1 the rate reviewed by the *transportation services* authority pursuant to this
2 subsection; and

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

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

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

10 706.326 1. Whenever there is filed with the *transportation services*
11 authority pursuant to NRS 706.321 any schedule or tariff stating a new or
12 revised individual or joint rate, fare or charge, or any new or revised
13 individual or joint regulation or practice affecting any rate, fare or charge,
14 or any schedule or tariff resulting in a discontinuance, modification or
15 restriction of service, the *transportation services* authority may commence
16 an investigation or, upon reasonable notice, hold a hearing concerning the
17 propriety of the rate, fare, charge, classification, regulation, discontinuance,
18 modification, restriction or practice.

19 2. Pending the investigation or hearing and the decision thereon, the
20 *transportation services* authority, upon delivering to the ~~{common-or~~
21 ~~contract motor carrier}~~ *operator of a tow car or carrier of household*
22 *goods* affected thereby a statement in writing of its reasons for the
23 suspension, may suspend the operation of the schedule or tariff and defer
24 the use of the rate, fare, charge, classification, regulation, discontinuance,
25 modification, restriction or practice, but not for a longer period than 150
26 days beyond the ~~{time}~~ *date* when the rate, fare, charge, classification,
27 regulation, discontinuance, modification, restriction or practice would
28 otherwise go into effect.

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

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

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

2 706.331 1. If, after due investigation and hearing, any authorized
3 rates, tolls, fares, charges, schedules, tariffs, joint rates or any regulation ~~to~~
4 ~~measurement, practice, act or service~~ that is subject to the approval of the
5 *transportation services* authority is complained of and is found to be
6 unjust, unreasonable, insufficient, preferential, unjustly discriminatory or
7 otherwise in violation of the provisions of this chapter, or if it is found that
8 the service is inadequate, or that any reasonable service cannot be obtained,
9 the *transportation services* authority may substitute therefor such other
10 rates, tolls, fares, charges, tariffs, schedules or regulations, ~~measurements,~~
11 ~~practices, service or acts~~ and make an order relating thereto as may be just
12 and reasonable.

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

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

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

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

23 706.341 1. An operator of a tow car shall, in the manner prescribed
24 by the *transportation services* authority, notify the *transportation services*
25 authority if the operator discontinues providing towing services from an
26 operating terminal or establishes a new operating terminal from which a
27 tow car provides towing services within 30 days after the operator
28 discontinues providing towing services from an operating terminal or
29 commences operations at the new terminal.

30 2. A ~~common motor carrier, other than an operator of a tow car,~~
31 *carrier of household goods* authorized to operate by NRS 706.011 to
32 706.791, inclusive, *and section 11 of this act* shall not discontinue any
33 service established pursuant to the provisions of NRS 706.011 to 706.791,
34 inclusive, *and section 11 of this act* and all other laws relating thereto and
35 made applicable thereto by NRS 706.011 to 706.791, inclusive, *and*
36 *section 11 of this act* without an order of the *transportation services*
37 authority granted only after public notice or hearing in the event of protest.

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

39 706.346 1. Except as otherwise provided in subsection 3, a copy, or
40 so much of the schedule or tariff as the *transportation services* authority
41 determines necessary for the use of the public, must be printed in plain type
42 and posted ~~in every office of a common motor carrier where payments are~~
43 ~~made by customers or users,~~ *by each operator of a tow car and carrier of*

1 *household goods in such places as the transportation services authority*
2 *may require which are* open to the public ~~[, in such form and place]~~ so as
3 to be readily accessible to the public and conveniently inspected.

4 2. Except as otherwise provided in subsection 3, ~~[when]~~ if a schedule
5 or tariff of joint rates or charges is or may be in force between two or more
6 ~~[common motor carriers or between any such carrier and a public utility,]~~
7 *operators of tow cars or two or more carriers of household goods*, the
8 schedule or tariff must be printed and posted in the manner prescribed in
9 subsection 1.

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

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

15 706.351 1. It is unlawful for:

16 (a) A ~~[fully regulated]~~ *taxicab motor carrier or limousine motor* carrier
17 to furnish any pass, frank, free or reduced rates for transportation to any
18 state, city, district, county or municipal officer of this state or to any person
19 other than those specifically enumerated in this section.

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

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

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

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

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

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

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

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

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

41 (g) Officers, agents, employees or members of any profession licensed
42 under Title 54 of NRS, together with members of their families, who are

1 employed by or affiliated with other common carriers, if there is an
2 interchange of free or reduced rates for transportation.

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

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

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

11 4. This section does not prohibit ~~common motor~~ carriers *of*
12 *household goods* from giving free or reduced rates for the transportation of
13 property of:

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

17 (b) Witnesses attending any legal investigations in which such carriers
18 are interested.

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

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

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

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

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

31 (a) Furloughed, pensioned and superannuated employees.

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

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

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

37 706.361 1. A person with a disability is entitled to the full and equal
38 enjoyment of the *services and* facilities of any common motor carrier of
39 passengers, contract motor carrier of passengers , *taxicab motor carrier,*
40 *limousine motor carrier* or other entity providing a means of public
41 conveyance and transportation operating within this state.

42 2. A common motor carrier of passengers, a contract motor carrier of
43 passengers , *a taxicab motor carrier, a limousine motor carrier* and other

1 entities providing means of public conveyance and transportation shall
2 designate a person responsible for ensuring that the carrier complies with
3 the applicable provisions of the Americans with Disabilities Act of 1990,
4 42 U.S.C. §§ 12101 to 12213, inclusive, and 47 U.S.C. §§ 225 and 611,
5 and the regulations adopted pursuant to that act.

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

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

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

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

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

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

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

23 (a) Deny the equal enjoyment of its services and facilities to a person
24 with a disability by the arbitrary, capricious or unreasonable interference,
25 direct or indirect, with the use of aids and appliances used by a person with
26 a disability;

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

28 (c) Fail to conduct the training sessions in the manner described in
29 subsection 3.

30 6. As used in this section, "disability" has the meaning ascribed to it in
31 49 C.F.R. § 37.3.

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

33 706.366 1. It is unlawful for a common motor carrier of passengers ,
34 *taxicab motor carrier, limousine motor carrier* or other means of public
35 conveyance or transportation operating in this state to:

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

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

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

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

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

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

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

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

Sec. 79.5. NRS 706.391 is hereby amended to read as follows:

706.391 1. Upon the filing of an application for a certificate of public convenience and necessity to operate as a ~~{motor carrier other than an operator of a tow car,}~~ **carrier of household goods,** the **transportation services** authority shall fix a time and place for hearing thereon.

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

(a) The applicant is fit, willing and able to perform the services of a ~~{common motor carrier,}~~ **carrier of household goods;**

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

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

(d) The proposed service will benefit the traveling and shipping public and the ~~{motor carrier}~~ **business of carriers of household goods** in this state.

3. The **transportation services** authority shall not find that the potential creation of competition in a territory which may be caused by the granting of a certificate, by itself, will unreasonably and adversely affect other

1 carriers operating in the territory for the purposes of paragraph (c) of
2 subsection 2.

3 4. An applicant for such a certificate has the burden of proving to the
4 *transportation services* authority that the proposed operation will meet the
5 requirements of subsection 2.

6 5. The *transportation services* authority may issue a certificate of
7 public convenience and necessity to operate as a ~~{common motor carrier,}~~
8 *carrier of household goods*, or issue it for:

9 (a) The exercise of the privilege sought.

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

11 6. The *transportation services* authority may attach to the certificate
12 such terms and conditions as, in its judgment, the public interest may
13 require.

14 7. The *transportation services* authority may dispense with the hearing
15 on the application if, upon the expiration of the time fixed in the notice
16 thereof, no petition to intervene has been filed on behalf of any person who
17 has filed a protest against the granting of the certificate.

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

19 706.398 The *transportation services* authority:

20 1. Shall revoke or suspend, pursuant to the provisions of this chapter,
21 the certificate of public convenience and necessity of ~~{a common motor~~
22 ~~carrier}~~ *an operator of a tow car or a carrier of household goods* which
23 has failed to:

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

26 (b) Operate as ~~{a carrier of intrastate commerce}~~ *an operator of a tow*
27 *car or carrier of household goods* in this state under the terms and
28 conditions of its certificate,
29 unless the *operator or* carrier has obtained the prior permission of the
30 *transportation services* authority.

31 2. May revoke or suspend, pursuant to the provisions of NRS
32 706.2885, the certificate of public convenience and necessity of ~~{a common~~
33 ~~motor carrier}~~ *an operator of a tow car or a carrier of household goods*
34 which has failed to comply with any provision of this chapter or any
35 regulation of the *transportation services* authority adopted pursuant
36 thereto.

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

38 706.411 Every order *by the transportation services authority* refusing
39 or granting any certificates of public convenience and necessity, or granting
40 or refusing permission to discontinue, modify or restrict service is prima
41 facie lawful from the date of the order until changed or modified by the
42 order of the *transportation services* authority pursuant to the provisions of
43 this

chapter.

1 **Sec. 81.1.** NRS 706.421 is hereby amended to read as follows:

2 706.421 It is unlawful for any *person to act as a* contract motor carrier
3 ~~to act as such~~ *with regard to the transportation of household goods*
4 within this state in intrastate commerce without first having obtained a
5 permit therefor.

6 **Sec. 81.3.** NRS 706.426 is hereby amended to read as follows:

7 706.426 An application for a permit for a new operation as a contract
8 motor carrier ~~shall~~ *with regard to the transportation of household goods*
9 *must* be:

10 1. Made to the *transportation services* authority in writing.

11 2. In such form and be accompanied by such information as the
12 *transportation services* authority may require.

13 **Sec. 81.5.** NRS 706.431 is hereby amended to read as follows:

14 706.431 1. A permit may be issued to any applicant therefor,
15 authorizing in whole or in part the operation covered by the application, if
16 it appears from the application or from any hearing held thereon that:

17 (a) The applicant is fit, willing and able properly to perform the service
18 of a contract motor carrier and to conform to all provisions of NRS
19 706.011 to 706.791, inclusive, *and section 11 of this act*, and the
20 regulations adopted thereunder; and

21 (b) The proposed operation will be consistent with the public interest
22 and will not operate to defeat the legislative policy set forth in NRS
23 706.151.

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

26 3. The *transportation services* authority shall revoke or suspend
27 pursuant to the provisions of this chapter the permit of a contract motor
28 carrier who has failed to file the annual report required in NRS 706.167
29 within 60 days after the report is due.

30 4. The *transportation services* authority shall adopt regulations
31 providing for a procedure by which any contract entered into by a contract
32 motor carrier after he has been issued a permit pursuant to this section may
33 be approved by the *transportation services* authority without giving notice
34 required by statute or by a regulation of the *transportation services*
35 authority.

36 **Sec. 81.7.** NRS 706.442 is hereby amended to read as follows:

37 706.442 Any person engaging in the intrastate transportation or storage
38 of household goods shall comply with the following requirements:

39 1. Upon the request of a person seeking service, the carrier of
40 household goods shall provide the person with a written, binding estimate
41 of the cost of providing the requested service.

42 2. The charges assessed for the service rendered may not exceed the
43 amount in the written estimate, unless the customer requested services in

1 addition to those included in the written estimate and agreed to pay
2 additional charges.

3 3. If the person for whom service was provided pays any amount
4 consistent with the provisions of subsection 2, the provider of service shall
5 release immediately any household goods that were transported or stored to
6 that person.

7 4. If a person requesting service alleges that any household goods were
8 damaged or lost, the person that provided the service shall:

9 (a) Attempt to resolve the dispute; and

10 (b) Identify the carrier of his insurance and explain the procedures to file
11 a claim.

12 5. The provider of service shall advise all persons for whom service is
13 to be performed of their right to file a complaint with the *transportation*
14 *services* authority and provide the address and telephone number of the
15 nearest business office of the *transportation services* authority.

16 6. Any other terms and conditions which the *transportation services*
17 authority may by regulation prescribe to protect the public.

18 **Sec. 81.9.** NRS 706.443 is hereby amended to read as follows:

19 706.443 1. The provisions of NRS 706.442 apply whether or not the
20 person providing the service has received authority to operate from the
21 *transportation services* authority.

22 2. The *transportation services* authority shall enforce the provisions of
23 NRS 706.442 and consider complaints regarding violations of the
24 provisions of that section pursuant to the provisions of this chapter. In
25 addition to any other remedies, the *transportation services* authority may
26 order the release of any household goods that are being held by the
27 provider of service subject to the terms and conditions that the
28 *transportation services* authority determines to be appropriate and may
29 order the refund of overcharges.

30 3. The *transportation services* authority may use the remedies
31 provided in NRS 706.457, 706.461, 706.756, 706.761, 706.771 and
32 706.779 and any other remedy available under other law.

33 4. The *transportation services* authority shall adopt regulations
34 regarding the administration and enforcement of this section and NRS
35 706.442.

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

37 706.445 The *transportation services* authority may not regulate the:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (d) Has provided evidence that he has filed with the *transportation*
36 *services* authority schedules and tariffs pursuant to NRS 706.321 which
37 contain rates and charges and the terms and conditions that the operator of
38 the tow car requires to perform towing services without the prior consent of
39 the owner of the vehicle or the person authorized by the owner to operate
40 the vehicle which do not exceed the rates and charges that the transferor
41 was authorized to assess for the same services.

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

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

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

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

14 5. The approval by the **transportation services** authority of an
15 application for transfer of a certificate of public convenience and necessity
16 of an operator of a tow car is not valid after the expiration of the term for
17 the transferred certificate.

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

19 706.4468 1. Each operator of a tow car shall file its charges for
20 preparing or satisfying a lien to which the operator is entitled against a
21 vehicle that was towed without the prior consent of the owner of the vehicle
22 or the person authorized by the owner to operate the vehicle. The
23 **transportation services** authority may investigate any charge filed pursuant
24 to this subsection and revise the charge as necessary to ensure that the
25 charge is reasonable.

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

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

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

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

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

1 **Sec. 87.** NRS 706.4473 is hereby amended to read as follows:
2 706.4473 The operator shall inform each owner, or agent of the owner,
3 of a towed motor vehicle that the owner or agent may file a complaint with
4 the *transportation services* authority regarding any violation of the
5 provisions of this chapter.

6 **Sec. 88.** NRS 706.4483 is hereby amended to read as follows:
7 706.4483 1. The *transportation services* authority shall act upon
8 complaints regarding the failure of an operator of a tow car to comply with
9 the provisions of NRS ~~706.011~~ 706.151 to 706.791, inclusive ~~1~~, and
10 *section 11 of this act*.

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

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

17 706.4485 1. A law enforcement agency that maintains and uses a list
18 of operators of tow cars which are called by that agency to provide towing
19 shall not include an operator of a tow car on the list unless he:

20 (a) Holds a certificate of public convenience and necessity issued by the
21 *transportation services* authority.

22 (b) Complies with all applicable provisions of this chapter and chapters
23 482 and 484 of NRS.

24 (c) Agrees to respond in a timely manner to requests for towing made by
25 the agency.

26 (d) Maintains adequate, accessible and secure storage within the State of
27 Nevada for any vehicle that is towed.

28 (e) Complies with all standards the law enforcement agency may adopt
29 to protect the health, safety and welfare of the public.

30 (f) Assesses only rates and charges that have been approved by the
31 *transportation services* authority for towing services performed without the
32 prior consent of the owner of the vehicle or the person authorized by the
33 owner to operate the vehicle.

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

39 3. Except as otherwise provided in this subsection, if an operator of a
40 tow car is included on a list of operators of tow cars that is maintained and
41 used by the Nevada highway patrol pursuant to this section, the Nevada
42 highway patrol shall not remove the operator of the tow car from the list, or
43 restrict his use pursuant thereto, solely on the ground that the operator is

1 insured under the same policy of insurance as one other operator of a tow
2 car who is included on the list and operates in the same geographical area.
3 An operator of a tow car is not eligible for inclusion on the list if the
4 operator is insured under the same policy of insurance as two or more other
5 operators of tow cars who are included on the list and operate in the same
6 geographical area.

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

8 706.449 The **transportation services** authority may impose an
9 administrative fine pursuant to subsection 2 of NRS 706.771 on the owner
10 or operator of a tow car who fails to pay in a timely manner any charge
11 required to be paid by subsection 2 of NRS 484.631.

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

13 706.451 1. Each owner or operator of a tow car subject to the
14 jurisdiction of the **transportation services** authority shall, before
15 commencing to operate or continuing operation after July 1, 1971, and
16 annually thereafter, pay to the **transportation services** authority for each
17 tow car operated, a fee of not more than ~~[\$36.]~~ **\$75.**

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

20 3. The initial fee must be reduced one-twelfth for each month which
21 has elapsed since the beginning of the calendar year before July 1, 1971,
22 for those tow cars lawfully operating on that date or before the
23 commencement of operation of each tow car commencing operation after
24 July 1, 1971.

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

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

30 706.457 The **transportation services** authority may by
31 require any person believed by it to be subject to any of the provisions of
32 NRS ~~[706.011]~~ **706.151** to 706.791, inclusive, **and section 11 of this act,**
33 who has not obtained a required certificate of public convenience and
34 necessity **or a required permit** issued in accordance with those sections, to
35 appear before it with all ~~[of]~~ his relevant books, papers and records and to
36 testify concerning the scope, nature and conduct of his business.

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

38 706.458 1. The district court in and for the county in which any
39 investigation or hearing is being conducted by the **transportation services**
40 authority pursuant to the provisions of this chapter may compel the
41 attendance of witnesses, the giving of testimony and the production of
42 books and papers as required by any subpoena issued by the **transportation**
43 **services** authority.

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

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

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

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

3. The court, upon petition of the *transportation services* authority, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days ~~from~~ *after* the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the *transportation services* authority. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued, the court shall thereupon enter an order that the witness appear at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness must be dealt with as for contempt of court.

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

706.461 When:

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

2. The *transportation services* authority has reason to believe that any:

(a) Person is advertising to provide:

(1) The services of a ~~fully regulated carrier in intrastate commerce;~~ *carrier of household goods or a contract motor carrier with regard to the transportation of household goods;* or

(2) Towing services ~~and~~ *performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle,*

without including the number of his certificate of public convenience and necessity or permit in each advertisement; or

1 (b) Provision of NRS ~~[706.011]~~ 706.151 to 706.791, inclusive, *and*
2 *section 11 of this act*, is being violated,
3 the *transportation services* authority shall investigate the operations or
4 advertising and may, after a hearing, order the owner or operator of the
5 vehicle or the person advertising to cease and desist from any operation or
6 advertising in violation of NRS ~~[706.011]~~ 706.151 to 706.791, inclusive ~~[.]~~
7 *, and section 11 of this act*. The *transportation services* authority shall
8 enforce compliance with the order pursuant to the powers vested in the
9 *transportation services* authority by NRS ~~[706.011]~~ 706.151 to 706.791,
10 inclusive, *and section 11 of this act*, or by other law.

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

12 706.473 1. In a county whose population is less than 400,000, a
13 person who holds a certificate of public convenience and necessity which
14 was issued for the operation of a taxicab business *subject to the*
15 *jurisdiction of a taxicab authority* may, upon approval from the *taxicab*
16 authority, lease a taxicab to an independent contractor who does not hold a
17 certificate of public convenience and necessity. A person may lease only
18 one taxicab to each independent contractor with whom he enters into a
19 lease agreement. The taxicab may be used only in a manner authorized by
20 the lessor's certificate of public convenience and necessity.

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

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

30 4. The *taxicab* authority *which has jurisdiction over a lease*
31 *agreement* or ~~[any of its employees]~~ *its administrator* may intervene in a
32 civil action involving a lease agreement entered into pursuant to this
33 section.

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

35 706.475 1. ~~[The]~~ *A taxicab* authority shall adopt such regulations as
36 are necessary to:

- 37 (a) Carry out the provisions of NRS 706.473; and
38 (b) Ensure that the taxicab business remains safe, adequate and reliable.

39 2. Such regulations must include, without limitation:

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

41 (b) ~~[Requirements related to liability insurance;~~

42 ~~—(c)]~~ Minimum safety standards; and

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

4 **Sec. 96.5.** NRS 706.476 is hereby amended to read as follows:

5 706.476 ~~[Except as otherwise provided in section 1 of Assembly Bill~~
6 ~~No. 677 of this session:]~~

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

28 (d) Posts a bond in the amount of \$20,000 with the **transportation**
29 **services** authority.

30 The **transportation services** authority shall return the vehicle to its
31 registered owner when the owner meets the requirements of this subsection
32 and pays all costs of impoundment.

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

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

2 706.491 Every person operating as a common, contract or private
3 motor carrier , *a taxicab motor carrier, a limousine motor carrier, an*
4 *operator of a tow car or a carrier of household goods* must, before
5 commencing operation in this state in any calendar year, secure from the
6 department a license and make payments therefor as provided in NRS
7 ~~706.011~~ 706.151 to 706.861, inclusive, *and section 11 of this act*, as
8 applicable.

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

10 706.631 The remedies of the state provided for in NRS ~~706.011~~
11 706.151 to 706.861, inclusive, *and section 11 of this act* are cumulative,
12 and no action taken by the department or *transportation services* authority
13 may be construed to be an election on the part of the state or any of its
14 officers to pursue any remedy under NRS ~~706.011~~ 706.151 to 706.861,
15 inclusive, *and section 11 of this act*, to the exclusion of any other remedy
16 for which provision is made in NRS ~~706.011~~ 706.151 to 706.861,
17 inclusive ~~1~~, *and section 11 of this act*.

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

19 706.736 1. Except as otherwise provided in subsection 2, the
20 provisions of NRS ~~706.011~~ 706.151 to 706.791, inclusive, *and section 11*
21 *of this act* do not apply to:

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

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

30 (c) Special mobile equipment.

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

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

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

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

1 (a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 *or*
2 *subsection 2 of NRS 706.172, as appropriate*, and NRS 706.235 to
3 706.256, inclusive, 706.281, 706.457 and 706.458.

4 (b) All rules and regulations adopted by reference pursuant to
5 ~~paragraph (b) of subsection 1 of NRS 706.171~~ *NRS 706.151 to 706.791,*
6 *inclusive, and section 11 of this act, by the department or transportation*
7 *services authority, as appropriate*, concerning the safety of drivers and
8 vehicles.

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

10 3. The provisions of NRS 706.311 to 706.453, inclusive, ~~706.471,~~
11 ~~706.473, 706.475 and 706.6411~~ which authorize the *transportation*
12 *services* authority to issue:

13 (a) Except as otherwise provided in paragraph (b), certificates of public
14 convenience and necessity and contract carriers' permits and to regulate
15 rates, routes and services apply only to ~~fully regulated carriers.~~ *carriers of*
16 *household goods, and contract motor carriers with regard to the*
17 *transportation of household goods.*

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

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

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

29 706.745 1. The provisions of NRS 706.386 ~~and 706.421~~ do not apply
30 to ambulances or hearses.

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

36 (a) Regular routes and fixed schedules;

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

40 (c) Nonmedical transportation of disabled persons without regard to
41 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 , ~~f~~

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

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

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

~~4.]~~ *3.* In addition to the requirements of subsection ~~[3,]~~ *2*, under an agreement for a system of public transit that provides for the transportation of passengers that is described in:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform ~~transportation as a common or contract carrier~~ *towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, or the services of a carrier of household goods or a contract motor carrier with regard to the transportation of household goods*, in violation of any of the provisions of NRS ~~706.011~~ **706.151** to 706.861, inclusive ~~;~~, *and section 11 of this act*;

(g) Advertises as providing ~~;~~
~~—(1) The services of a fully regulated carrier; or~~
~~—(2) Towing services;~~ *towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, or the services of a carrier of household goods or a contract motor carrier with regard to the transportation of household goods*, without including the number of his certificate of public convenience and necessity ~~or contract carrier's permit~~ in each advertisement;

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

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

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

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

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

7 (m) *Knowingly makes or causes to be made, either directly or*
8 *indirectly, a false statement on an application, account or other*
9 *statement required by the transportation services authority; or*

10 (n) Refuses or fails to surrender to the *transportation services* authority
11 or department any certificate, permit, license or identifying device which
12 has been suspended, canceled or revoked pursuant to the provisions of this
13 chapter,

14 is guilty of a *gross* misdemeanor, and upon conviction thereof shall be
15 punished by a fine of not less than \$100 ~~nor~~ *and not* more than ~~[\$1,000,]~~
16 *\$2,000*, or by imprisonment in the county jail for not more than ~~[6 months,]~~
17 *1 year*, or by both fine and imprisonment.

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

20 (a) For the first offense, by a fine of not less than \$500 ~~nor~~ *and not*
21 more than ~~[\$1,000,]~~ *\$2,000*;

22 (b) For a second offense within 12 consecutive months and each
23 subsequent offense, by a fine of ~~[\$1,000,]~~ *\$2,000*; or

24 (c) For any offense, by imprisonment in the county jail for not more than
25 ~~[6 months,]~~ *1 year*, or by both the prescribed fine and imprisonment.

26 3. ~~[Any person who operates or permits the operation of a vehicle in~~
27 ~~passenger service without a certificate of public convenience and necessity~~
28 ~~issued pursuant to NRS 706.391 is guilty of a gross misdemeanor. If a law~~
29 ~~enforcement officer witnesses a violation of this subsection, he may cause~~
30 ~~the vehicle to be towed immediately from the scene.] The conviction of a~~
31 *person pursuant to this section does not bar the transportation services*
32 *authority from suspending or revoking any certificate, permit or license*
33 *of the person convicted. The imposition of a fine or the suspension or*
34 *revocation of any certificate, permit or license by the transportation*
35 *services authority does not operate as a defense in any proceeding*
36 *brought against the person by the transportation services authority*
37 *pursuant to this chapter.*

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

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

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

2 706.761 1. Any ~~[agent or person in charge of the books, accounts,~~
3 ~~records, minutes or papers of any private, common or contract motor~~
4 ~~carrier or broker of any of these services]~~ *person who holds a certificate or*
5 *permit* who refuses or fails for a period of 30 days to furnish the
6 *transportation services* authority or department , *as appropriate*, with any
7 report required by ~~[either]~~ *the transportation services authority or*
8 *department, as appropriate*, or who fails or refuses to permit any person
9 authorized by the *transportation services* authority or department , *as*
10 *appropriate*, to inspect such books, accounts, records, minutes or papers on
11 behalf of the *transportation services* authority or department , *as*
12 *appropriate, or otherwise interferes with or impedes such an inspection,*
13 is liable to *pay* a penalty ~~[in a sum]~~ of not less than ~~[\$300 nor more than~~
14 ~~\$500.]~~ *\$1,000*. The penalty may be recovered in a civil action upon the
15 complaint of the *transportation services* authority or department , *as*
16 *appropriate*, in any court of competent jurisdiction.

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

19 3. *If, after a hearing, the transportation services authority finds that*
20 *a person to whom a certificate or permit has been issued has refused or*
21 *failed to produce a record or allow an inspection in violation of this*
22 *section, the transportation services authority may, upon 5 days' written*
23 *notice, suspend the certificate or permit.*

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

25 706.766 1. It is unlawful for any ~~[fully regulated carrier or]~~ operator
26 of a tow car , *carrier of household goods, or contract motor carrier with*
27 *regard to the transportation of household goods*, to charge, demand,
28 collect or receive a greater or less compensation for any service performed
29 by it within this state or for any service in connection therewith than is
30 specified in its fare, rates, joint rates, charges or rules and regulations on
31 file with the *transportation services* authority, or to demand, collect or
32 receive any fare, rate or charge not specified. The rates, tolls and charges
33 named therein are the lawful rates, tolls and charges until they are changed
34 as provided in this chapter.

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

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

1 **Sec. 104.** NRS 706.771 is hereby amended to read as follows:
2 706.771 1. Any person or any agent or employee thereof, who
3 violates any provision of this chapter, any lawful regulation of the
4 *transportation services* authority or any lawful tariff on file with the
5 *transportation services* authority or who fails, neglects or refuses to obey
6 any lawful order of the *transportation services* authority or any court order
7 for whose violation a civil penalty is not otherwise prescribed is liable to a
8 penalty of not more than \$10,000 for any violation. The penalty may be
9 recovered in a civil action upon the complaint of the *transportation*
10 *services* authority in any court of competent jurisdiction.
11 2. If the *transportation services* authority does not bring an action to
12 recover the penalty prescribed by subsection 1, the *transportation services*
13 authority may impose an administrative fine of not more than \$10,000 for
14 any violation of a provision of this chapter or any rule, regulation or order
15 adopted or issued by the *transportation services* authority ~~for department~~
16 pursuant to the provisions of this chapter. A fine imposed by the
17 *transportation services* authority may be recovered by the *transportation*
18 *services* authority only after notice is given and a hearing is held pursuant
19 to the provisions of chapter 233B of NRS.
20 3. All administrative fines imposed and collected by the *transportation*
21 *services* authority pursuant to subsection 2 are payable to the state treasurer
22 and must be credited to ~~[a separate account to be used by the authority to~~
23 ~~enforce the provisions of this chapter.]~~ *the state highway fund.*
24 4. A penalty or fine recovered pursuant to this section is not a cost of
25 service for purposes of rate making.
26 **Sec. 105.** NRS 706.776 is hereby amended to read as follows:
27 706.776 1. The owner or operator of a motor vehicle to which any
28 provisions of ~~[NRS 706.011 to 706.861, inclusive,]~~ *this chapter* apply
29 carrying passengers or property on any highway in the State of Nevada
30 shall not require or permit any driver of the motor vehicle to drive it in any
31 one period longer than the time permitted for that period by the order of the
32 *transportation services authority, the appropriate taxicab* authority or the
33 department.
34 2. In addition to other persons so required, the labor commissioner
35 shall enforce the provisions of this section.
36 **Sec. 106.** NRS 706.779 is hereby amended to read as follows:
37 706.779 The *transportation services* authority and its inspectors may,
38 upon halting a person for a violation of the provisions of NRS 706.386 ~~or~~
39 ~~706.421,~~ move his vehicle or cause it to be moved to the nearest garage or
40 other place of safekeeping until it is removed in a manner which complies
41 with the provisions of this chapter.

1 **Sec. 107.** NRS 706.781 is hereby amended to read as follows:
2 706.781 In addition to all the other remedies provided by NRS
3 ~~[706.011]~~ **706.151** to 706.861, inclusive, **and section 11 of this act**, for the
4 prevention and punishment of any violation of the provisions thereof and of
5 all orders of the **transportation services** authority or the department, the
6 **transportation services** authority or the department may compel
7 compliance with the provisions of NRS ~~[706.011]~~ **706.151** to 706.861,
8 inclusive, **and section 11 of this act**, and with the orders of the
9 **transportation services** authority or the department by proceedings in
10 mandamus, injunction or by other civil remedies.

11 **Sec. 108.** NRS 706.881 is hereby amended to read as follows:
12 706.881 ~~[1.]~~ **The provisions of** NRS ~~[706.8811]~~ **706.88185** to
13 706.885, inclusive, **and sections 12 to 21, inclusive, of this act, and**
14 **section 1 of Assembly Bill No. 677 of this session**, apply to ~~[any county:~~
15 ~~—(a) Whose population is 400,000 or more; or~~
16 ~~—(b) For whom regulation by the taxicab authority is not required if its~~
17 ~~board of county commissioners has enacted an ordinance approving the~~
18 ~~inclusion of the county within the jurisdiction of the taxicab authority.~~
19 ~~—2. Upon receipt of a certified copy of such an ordinance from a county~~
20 ~~for whom regulation by the taxicab authority is not required, the taxicab~~
21 ~~authority shall exercise its regulatory authority pursuant to NRS 706.8811~~
22 ~~to 706.885, inclusive, within that county.~~
23 ~~—3. Within any such county, the provisions of this chapter which confer~~
24 ~~regulatory authority over taxicab motor carriers upon the transportation~~
25 ~~services authority do not apply.]~~ **the business of transporting passengers**
26 **by taxicabs and limousines.**

27 **Sec. 109.** NRS 706.88185 is hereby amended to read as follows:
28 706.88185 1. When ~~[the]~~ **a** taxicab authority has reason to believe
29 that any provision of NRS 706.881 to 706.885, inclusive, **and sections 12**
30 **to 21, inclusive, of this act**, is being violated, the taxicab authority shall
31 investigate the alleged violation. After a hearing, the taxicab authority may
32 issue an order requiring that the certificate holder cease and desist from any
33 action that is in violation of NRS 706.881 to 706.885, inclusive ~~[~~
34 ~~—2. The]~~, **and sections 12 to 21, inclusive, of this act.**
35 **2. A** taxicab authority shall enforce an order issued pursuant to
36 subsection 1 in accordance with the provisions of NRS 706.881 to 706.885,
37 inclusive ~~[~~, **and sections 12 to 21, inclusive, of this act.**

38 **Sec. 110.** NRS 706.8819 is hereby amended to read as follows:
39 706.8819 1. ~~[The]~~ **A** taxicab authority shall conduct hearings and
40 make final decisions in the following matters:
41 (a) Applications to adjust, alter or change the rates, charges or fares for
42 taxicab **or** **limousine** service;

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

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

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

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

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

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

14 706.882 1. The director of the department of business and industry
15 shall appoint a taxicab administrator **for each of the taxicab authorities**
16 from a list of three names submitted to him by **each of** the taxicab
17 ~~[authority. The]~~ **authorities respectively. Each** administrator serves at the
18 pleasure of the director ~~[. The administrator]~~ **and** is in the unclassified
19 service of the state.

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

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

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

27 706.8821 1. ~~[The]~~ **An** administrator **of a taxicab authority** is
28 responsible for the control and regulation of the taxicab **and limousine**
29 industry in any county ~~[to which NRS 706.881 to 706.885, inclusive,~~
30 ~~apply]~~ **subject to the jurisdiction of the taxicab authority** and for the
31 administration of NRS 706.881 to 706.885, inclusive ~~[.~~

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

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

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

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

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

39 706.8822 ~~[The administrator]~~ **Except as otherwise provided in NRS**
40 **706.8829 and 706.88395, a taxicab authority** shall conduct administrative
41 hearings and make final decisions, subject to appeal by any aggrieved party
42 to the ~~[taxicab]~~ **transportation services** authority, in the following matters:

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

4 2. Complaints against certificate holders;

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

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

8 5. Imposition of monetary penalties.

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

10 706.88235 1. Whenever ~~{the}~~ *a* taxicab authority or ~~{the}~~ *its*
11 administrator is authorized or required by law to conduct a hearing, the
12 administrator may issue subpoenas requiring the attendance of witnesses
13 before the *taxicab* authority or the administrator, respectively, together
14 with all books, memoranda, papers and other documents relative to the
15 matters for which the hearing is called and take depositions within or
16 without the state, as the circumstances of the case may require.

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

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

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

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

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

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

1 authority or the administrator at the time and place fixed in the order and
2 testify or produce the required books or papers, and upon failure to obey
3 the order the witness must be dealt with as for contempt of court.

4 **Sec. 115.** NRS 706.88237 is hereby amended to read as follows:
5 706.88237 ~~{The}~~ **A** taxicab authority may:

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

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

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

13 706.8824 1. ~~{It}~~ **Except as otherwise provided in section 15 of this**
14 **act, in** determining whether circumstances require the establishment of a
15 system of allocations or a change in existing allocations ~~{It}~~ **for taxicabs or**
16 **limousines subject to the jurisdiction of a taxicab authority**, the taxicab
17 authority shall consider the interests, welfare, convenience, necessity and
18 well-being of the customers of taxicabs ~~{It}~~ **or limousines, as appropriate.**

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

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

28 (b) **For limousines, the allocation must be made in a manner which**
29 **reflects the number of limousines that each certificate holder is**
30 **authorized by the taxicab authority to operate as of the date on which the**
31 **allocation is made.**

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

37 4. Unless a certificate holder puts the additionally allocated
38 ~~{taxicabs}~~ :

39 (a) **Taxicabs** into service within 30 days after the effective date of the
40 increased allocation ~~{It}~~ ; **or**

41 (b) **Limousines into service within 180 days after the effective date of**
42 **the increased allocation,**

43 the increased allocation to that certificate holder is void.

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

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

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

7 If a limitation is placed on an allocation, taxicabs *or limousines, as*
8 *appropriate*, must be marked in a distinctive manner that indicates the
9 limitation.

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

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

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

14 7. *Notwithstanding any provision of this section or section 15 of this*
15 *act to the contrary, if a system of allocations for limousines has been*
16 *established pursuant to subsection 2, the number of limousines that must*
17 *be allocated to a certificate holder to whom the taxicab authority*
18 *thereafter issues an initial certificate of public convenience and necessity*
19 *must be based on the number of limousines that the certificate holder*
20 *places into operation within 180 days after the date on which the*
21 *certificate of public convenience and necessity is issued to the certificate*
22 *holder. Thereafter, the certificate holder is subject to all other provisions*
23 *relating to allocations that are set forth in this section and section 15 of*
24 *this act.*

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

26 706.88245 1. In determining whether circumstances require a
27 temporary increase in the number of taxicabs *or limousines subject to its*
28 *jurisdiction* allocated pursuant to NRS 706.8824, ~~{the}~~ a taxicab authority
29 shall consider the interests, welfare, convenience, necessity and well-being
30 of the customers of taxicabs ~~{}~~ *or limousines, as appropriate.*

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

38 3. ~~{The}~~ A taxicab authority shall determine:

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

40 (b) The hours of operation of the additional taxicabs ~~{}~~ *or limousines*;

41 and

42 (c) The duration of the temporary allocation.

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

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

5 706.8825 1. ~~{All}~~ *There are hereby created as special revenue*
6 *funds:*

7 (a) *The taxicab authority regulatory fund for the taxicab authority for*
8 *southern Nevada; and*

9 (b) *The taxicab authority regulatory fund for the taxicab authority for*
10 *northern Nevada.*

11 2. *Except as otherwise provided in this section, all* fees collected
12 pursuant to NRS 706.881 to 706.885, inclusive, *and sections 12 to 21,*
13 *inclusive, of this act,* must be deposited with the state treasurer to the credit
14 of the *appropriate* taxicab authority *regulatory* fund . ~~{, which is hereby~~
15 ~~created as a special revenue fund.}~~ The transactions for each county *that is*
16 subject to ~~{those sections}~~ *the jurisdiction of a taxicab authority* must be
17 accounted for separately within the *appropriate* fund.

18 ~~{2.}~~ 3. The interest and income earned on the money in ~~{the}~~ a fund,
19 after deducting any applicable charges, must be credited to the fund.

20 ~~{3.}~~ 4. *Money collected by a taxicab authority for a fine or penalty*
21 *that is imposed on a taxicab motor carrier or limousine motor carrier by*
22 *the taxicab authority must be deposited into the state general fund.*

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

27 ~~{4.}~~ 6. The fees received pursuant to subsection 3 of NRS 706.8826,
28 NRS 706.8827, 706.8841 and 706.8848 to 706.885, inclusive, are hereby
29 appropriated to defray the cost of regulating taxicabs *and limousines* in the
30 county in which the certificate holder operates a taxicab *or limousine*
31 business.

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

42 ~~{6.}~~ 8. The administrator *of a taxicab authority* may establish an
43 account for petty cash not to exceed \$1,000 for the support of undercover

1 investigation and, if the account is created, the administrator shall
2 reimburse the account from the *appropriate* taxicab authority *regulatory*
3 fund in the same manner as other claims against the state are paid.

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

5 706.8826 1. The board of county commissioners of any county in
6 which there is in effect an order for the allocation of taxicabs *or limousines*
7 from a taxicab authority, and the governing body of each city within any
8 such county, shall deposit with the state treasurer to the credit of the
9 *appropriate* taxicab authority *regulatory* fund all ~~to~~ the tax revenue
10 which is received from the taxicab *and limousine* business operating in the
11 county and city, respectively.

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

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

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

27 706.8827 1. A person shall not engage in the taxicab *or limousine*
28 business unless he:

29 (a) Holds a certificate of public convenience and necessity from the
30 *previously exiting* public service commission of Nevada issued before
31 July 1, 1981, which has not been transferred, revoked or suspended by ~~{the}~~
32 *a* taxicab authority; ~~{or}~~

33 (b) *Holds a certificate of public necessity of public convenience*
34 *and necessity from the transportation services authority issued before*
35 *October 1, 1999, which has not been transferred, revoked or suspended*
36 *by a taxicab authority; or*

37 (c) Currently holds a certificate of public convenience and necessity
38 from ~~{the}~~ *a* taxicab authority as provided in this section.

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

1 (a) The applicant is fit, willing and able to perform the services of a
2 taxicab motor carrier ~~{H}~~ *or a limousine motor carrier;*

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

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

8 (d) The holders of existing certificates will not meet the needs of the
9 territory for which the certificate is sought if the certificate is not granted;
10 and

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

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

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

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

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

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

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

38 706.8829 1. A certificate holder shall maintain a uniform system of
39 accounts in which all business transacted by the certificate holder is
40 recorded. The accounts must be:

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

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

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

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

2. ~~The~~ A taxicab authority may examine the books, accounts, records, minutes and papers of a certificate holder at any reasonable time to determine their correctness and whether they are maintained in accordance with the regulations adopted by the taxicab authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (a) Be new; or

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

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

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

10 706.8836 1. A certificate holder shall equip each of his taxicabs with
11 a taximeter and shall make provisions when installing the taximeter to
12 allow sealing by the administrator ~~{}~~ *of the taxicab authority which has*
13 *jurisdiction over the certificate holder.*

14 2. The administrator *of a taxicab authority* shall approve the types of
15 taximeters which may be used on a taxicab ~~{}~~ *subject to the jurisdiction of*
16 *the taxicab authority.* All *such* taximeters must conform to a 2-percent
17 plus or minus tolerance on the fare recording, must be equipped with a
18 signal device plainly visible from outside of the taxicab, must be equipped
19 with a device which records fares and is plainly visible to the passenger and
20 must register upon plainly visible counters the following items:

21 (a) Total miles;

22 (b) Paid miles;

23 (c) Number of units;

24 (d) Number of trips; and

25 (e) Number of extra passengers or extra charges.

26 3. The administrator *of a taxicab authority* shall inspect each
27 taximeter before its use in a taxicab *subject to the jurisdiction of the*
28 *taxicab authority,* and shall, if the taximeter conforms to the standards
29 specified in subsection 2, seal the taximeter.

30 4. The administrator *of a taxicab authority* may reinspect ~~{the}~~ *such a*
31 taximeter at any reasonable time.

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

33 706.8837 A certificate holder shall not permit a taxicab *or limousine*
34 to be operated in passenger service unless it meets all ~~{of}~~ the following
35 standards:

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

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

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

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

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

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

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

7 8. The vehicle is equipped with four adequate and safe tires. Recapped
8 tires may be used. Regrooved tires may not be used.

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

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

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

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

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

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

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

23 706.8838 A certificate holder shall not permit a taxicab *or limousine*
24 to be operated in passenger service for a period of more than 24 hours
25 unless it meets all ~~{of}~~ the following standards:

26 1. The vehicle is structurally sound and operates with a minimum of
27 noise and vibration.

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

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

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

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

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

39 706.8839 1. The administrator *of a taxicab authority* may inspect a
40 taxicab *or limousine subject to the jurisdiction of the taxicab authority* at
41 any reasonable time.

42 2. If the administrator finds that a taxicab *or limousine* is in a
43 condition which violates NRS 706.8837, he shall remove the vehicle from

1 service, ~~{shall}~~ place an out-of-service sticker on the windshield and ~~{shall}~~
2 notify the certificate holder of the defect. The vehicle ~~{shall}~~ **must** remain
3 out of service until the defect has been remedied and the administrator upon
4 reinspection has approved the vehicle and removed the out-of-service
5 sticker.

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

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

13 706.88395 ***Except as otherwise provided in section 1 of Assembly Bill***
14 ***No. 677 of this section:***

15 1. A vehicle used as a taxicab, limousine or other passenger vehicle in
16 passenger service must be impounded by the administrator ***of a taxicab***
17 ***authority*** if a certificate of public convenience and necessity has not been
18 issued authorizing its operation ~~{}~~ ***by the taxicab authority, the***
19 ***transportation services authority or the previously existing public service***
20 ***commission of Nevada.*** A hearing must be held by the administrator ~~{no}~~
21 ***not*** later than the conclusion of the second normal business day after
22 impoundment, weekends and holidays excluded. As soon as practicable
23 after impoundment, the administrator shall notify the registered owner of
24 the vehicle:

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

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

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

31 2. The administrator shall hold the vehicle until the registered owner of
32 the vehicle appears and:

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

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

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

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

39 The administrator shall return the vehicle to its registered owner when the
40 owner meets the requirements of this subsection and pays all costs of
41 impoundment.

42 3. If the registered owner is unable to meet the requirements of
43 paragraph (b) or (c) of subsection 2, the administrator may assess an

1 administrative fine against the registered owner for each such violation in
2 the amount of \$5,000. The maximum amount of the administrative fine that
3 may be assessed against a registered owner for a single impoundment of his
4 vehicle pursuant to this section is \$10,000. The administrator shall return
5 the vehicle after any administrative fine imposed pursuant to this subsection
6 and all costs of impoundment have been paid.

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

8 706.8841 1. The administrator *of a taxicab authority* shall issue a
9 driver's permit to qualified persons who wish to be employed by certificate
10 holders as ~~taxicab drivers.~~ *drivers of taxicabs or limousines based in any*
11 *county that is subject to the jurisdiction of the taxicab authority.* Before
12 issuing a driver's permit, the administrator shall:

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

17 (b) Require proof that the applicant:

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

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

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

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

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

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

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

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

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

38 706.8843 1. A certificate holder shall not employ a driver unless the
39 driver has obtained and has on his person:

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

42 (b) A copy of a physician's certificate obtained pursuant to NRS
43 706.8842;

and

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

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

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

11 706.8844 1. A certificate holder shall require his drivers *of taxicabs*
12 to keep a daily trip sheet in a form to be prescribed by the taxicab authority
13 ~~[-]~~ *which has jurisdiction over the certificate holder*.

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

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

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

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

21 (d) The odometer reading of the taxicab.

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

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

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

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

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

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

31 (c) The odometer reading of the taxicab.

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

35 6. A certificate holder shall retain all trip sheets of all drivers in a safe
36 place for a period of 3 years immediately succeeding December 31 of the
37 year to which they respectively pertain and shall make such manifests
38 available for inspection by the administrator upon reasonable demand.

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

41 **Sec. 133.** NRS 706.8847 is hereby amended to read as follows:

42 706.8847 1. A driver *of a taxicab* shall not refuse or neglect to
43 transport any orderly person to that person's destination if:

- 1 (a) That person requests the driver to transport him; and
- 2 (b) The requested destination is within the area allocated to the
- 3 certificate holder who employs the driver.

4 2. Subsection 1 does not apply if the driver can show ~~beyond a~~
5 ~~reasonable doubt~~ *to the satisfaction of the taxicab authority which has*
6 *jurisdiction over the driver* that:

- 7 (a) He has good reason to fear for his personal safety;
- 8 (b) The taxicab has been previously engaged by another person; or
- 9 (c) He is forbidden by law or regulation to carry the person requesting
- 10 transportation.

11 **Sec. 134.** NRS 706.8848 is hereby amended to read as follows:

12 706.8848 1. If a driver violates any provision of NRS 706.8844 to
13 706.8847, inclusive, *and sections 12 to 21, inclusive, of this act*, the
14 ~~administrator~~ *taxicab authority which has jurisdiction over the*
15 *certificate holder which employs the driver* may impose the following
16 sanctions:

- 17 (a) First offense: Warning notice or a fine of not more than \$100, or
- 18 both warning and fine.
- 19 (b) Second offense: 1 to 3 days' suspension of a driver's permit or a fine
- 20 of not more than \$200, or both suspension and fine.
- 21 (c) Third offense: 4 to 6 days' suspension of a driver's permit or a fine
- 22 of not more than \$300, or both suspension and fine.
- 23 (d) Fourth offense: 10 days' suspension of a driver's permit or a fine of
- 24 not more than \$500, or both suspension and fine.
- 25 (e) Fifth offense: Revocation of a driver's permit or a fine of not more
- 26 than \$500, or both revocation and fine.

27 2. Only violations occurring in the 12 months immediately preceding
28 the most current violation ~~shall~~ *may* be considered for the purposes of
29 subsection 1. 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 3. The ~~administrator~~ *taxicab authority* shall conduct a hearing ~~prior~~
33 ~~to suspension or revocation of~~ *before suspending or revoking* a driver's
34 permit or imposing a fine under this section or NRS 706.8849.

35 **Sec. 134.5.** NRS 706.8849 is hereby amended to read as follows:

36 706.8849 1. A taxicab driver shall:

- 37 (a) Ensure that the fare indicator on the taximeter of his taxicab reads
- 38 zero before the time that the taxicab is engaged.
- 39 (b) Ensure that the taximeter of his taxicab is engaged while the taxicab
- 40 is on hire.
- 41 (c) Not make any charge for the transportation of a passenger other than
- 42 the charge shown on the taximeter.

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

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

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

13 (g) Not drive a taxicab or go on duty while under the influence of, or
14 impaired by, any controlled substance, dangerous drug, or intoxicating
15 liquor or drink intoxicating liquor while on duty.

16 (h) Not use or consume controlled substances or dangerous drugs which
17 impair a person's ability to operate a motor vehicle at any time, or use or
18 consume any other controlled substances or dangerous drugs at any time
19 except in accordance with a lawfully issued prescription.

20 (i) Not operate a taxicab without a valid driver's permit issued pursuant
21 to NRS 706.8841 and a valid driver's license issued pursuant to NRS
22 483.325 in his possession.

23 (j) Obey all provisions and restrictions of his employer's certificate of
24 public convenience and necessity.

25 2. If a driver violates any provision of subsection 1, the ~~administrator~~
26 *taxicab authority which has jurisdiction over the certificate holder that*
27 *employs the driver* may, after a hearing, impose the following sanctions:

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

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

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

33 In addition to the other penalties set forth in this subsection, the
34 ~~administrator~~ *taxicab authority* may revoke a driver's permit for any
35 violation of a provision of paragraph (g) of subsection 1.

36 3. Only violations occurring in the 12 months immediately
37 preceding the most current violation may be considered for the purposes of
38 subsection 2. The administrator *of the taxicab authority* shall inspect the
39 driver's record for that period to compute the number of offenses
40 committed.

41 **Sec. 135.** NRS 706.885 is hereby amended to read as follows:

42 706.885 1. Any person who knowingly makes or causes to be made,
43 either directly or indirectly, a false statement on an application, account or

1 other statement required by ~~[the]~~ **a** taxicab authority or the administrator **of**
2 **the taxicab authority** or who violates any of the provisions of NRS
3 706.881 to 706.885, inclusive, **and sections 12 to 21, inclusive, of this act,**
4 **and section 1 of Assembly Bill No. 677 of this session** is guilty of a
5 misdemeanor.

6 2. ~~[The]~~ **A** taxicab authority ~~[or administrator]~~ may at any time, for
7 good cause shown and upon at least 5 days' notice to the grantee of any
8 certificate or driver's permit, and after a hearing unless waived by the
9 grantee, penalize the grantee of a certificate to a maximum amount of
10 \$15,000 or penalize the grantee of a driver's permit to a maximum amount
11 of \$500 or suspend or revoke the certificate or driver's permit ~~[granted by~~
12 ~~it or him, respectively,]~~ for:

13 (a) Any violation of any provision of NRS 706.881 to 706.885,
14 inclusive, **and sections 12 to 21, inclusive, of this act, and section 1 of**
15 **Assembly Bill No. 677 of this session,** or any regulation of the taxicab
16 authority or administrator.

17 (b) Knowingly permitting or requiring any employee to violate any
18 provision of NRS 706.881 to 706.885, inclusive, **and sections 12 to 21,**
19 **inclusive, of this act, and section 1 of Assembly Bill No. 677 of this**
20 **session,** or any regulation of the taxicab authority or administrator.
21 If a penalty is imposed on the grantee of a certificate pursuant to this
22 section, the taxicab authority ~~[or administrator]~~ may require the grantee to
23 pay the costs of the proceeding, including investigative costs and attorney's
24 fees.

25 3. When a driver or certificate holder fails to appear at the time and
26 place stated in the notice for the hearing, the ~~[administrator]~~ **taxicab**
27 **authority** shall enter a finding of default. Upon a finding of default, the
28 ~~[administrator]~~ **taxicab authority** may suspend or revoke the license, permit
29 or certificate of the person who failed to appear and impose the penalties
30 provided in this chapter. For good cause shown, the ~~[administrator]~~ **taxicab**
31 **authority** may set aside a finding of default and proceed with the hearing.

32 4. Any person who operates or permits a taxicab **or limousine** to be
33 operated in passenger service without a certificate of public convenience
34 and necessity issued pursuant to NRS 706.8827, is guilty of a gross
35 misdemeanor. If a law enforcement officer witnesses a violation of this
36 subsection, he may cause the vehicle to be towed immediately from the
37 scene.

38 5. The conviction of a person pursuant to subsection 1 does not bar the
39 taxicab authority ~~[or administrator]~~ from suspending or revoking any
40 certificate, permit or license of the person convicted. The imposition of a
41 fine or suspension or revocation of any certificate, permit or license by the
42 taxicab authority ~~[or administrator]~~ does not operate as a defense in any
43 proceeding brought under subsection

1 **Sec. 136.** NRS 232.510 is hereby amended to read as follows:

2 232.510 1. The department of business and industry is hereby
3 created.

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

5 (a) Consumer affairs division.

6 (b) Division of financial institutions.

7 (c) Housing division.

8 (d) Manufactured housing division.

9 (e) Real estate division.

10 (f) Division of unclaimed property.

11 (g) Division of insurance.

12 (h) Division of industrial relations.

13 (i) Office of labor commissioner.

14 (j) Taxicab authority ~~H~~ *for southern Nevada and taxicab authority for*
15 *northern Nevada.*

16 (k) Nevada athletic commission.

17 (l) Office of the Nevada attorney for injured workers.

18 (m) Transportation services authority.

19 (n) Any other office, commission, board, agency or entity created or
20 placed within the department pursuant to a specific statute, the budget
21 approved by the legislature or an executive order, or an entity whose
22 budget or activities have been placed within the control of the department
23 by a specific statute.

24 **Sec. 137.** NRS 232.520 is hereby amended to read as follows:

25 232.520 The director:

26 1. Shall appoint a chief or executive director, or both of them, of each
27 of the divisions, offices, commissions, boards, agencies or other entities of
28 the department, unless the authority to appoint such a chief or executive
29 director, or both of them, is expressly vested in another person, board or
30 commission by a specific statute. In making the appointments, the director
31 may obtain lists of qualified persons from professional organizations,
32 associations or other groups recognized by the department, if any. The
33 chief of the consumer affairs division is the commissioner of consumer
34 affairs, the chief of the division of financial institutions is the commissioner
35 of financial institutions, the chief of the housing division is the
36 administrator of the housing division, the chief of the manufactured housing
37 division is the administrator of the manufactured housing division, the chief
38 of the real estate division is the real estate administrator, the chief of the
39 division of unclaimed property is the administrator of unclaimed property,
40 the chief of the division of insurance is the commissioner of insurance, the
41 chief of the division of industrial relations is the administrator of the
42 division of industrial relations, the chief of the office of labor commissioner
43 is the labor commissioner, the chief of the taxicab authority *for southern*

1 *Nevada* is the taxicab administrator, *the chief of the taxicab authority for*
2 *northern Nevada is the taxicab administrator*, the chief of the
3 transportation services authority is the ~~{chairman}~~ *commissioner* of the
4 authority and the chief of any other entity of the department has the title
5 specified by the director, unless a different title is specified by a specific
6 statute.

7 2. Is responsible for the administration of all provisions of law relating
8 to the jurisdiction, duties and functions of all divisions and other entities
9 within the department. The director may, if he deems it necessary to carry
10 out his administrative responsibilities, be considered as a member of the
11 staff of any division or other entity of the department for the purpose of
12 budget administration or for carrying out any duty or exercising any power
13 necessary to fulfill the responsibilities of the director pursuant to this
14 subsection. The provisions of this subsection do not authorize the director
15 to preempt any authority or jurisdiction granted by statute to any division or
16 other entity within the department or authorize the director to act or take on
17 a function that would contravene a rule of court or a statute.

18 3. May:

19 (a) Establish uniform policies for the department, consistent with the
20 policies and statutory responsibilities and duties of the divisions and other
21 entities within the department, relating to matters concerning budgeting,
22 accounting, planning, program development, personnel, information
23 services, dispute resolution, travel, workplace safety, the acceptance of gifts
24 or donations, the management of records and any other subject for which a
25 uniform departmental policy is necessary to ensure the efficient operation
26 of the department.

27 (b) Provide coordination among the divisions and other entities within
28 the department, in a manner which does not encroach upon their statutory
29 powers and duties, as they adopt and enforce regulations, execute
30 agreements, purchase goods, services or equipment, prepare legislative
31 requests and lease or use office space.

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

35 4. May, within the limits of the financial resources made available to
36 him, promote, participate in the operation of, and create or cause to be
37 created, any nonprofit corporation, pursuant to chapter 82 of NRS, which
38 he determines is necessary or convenient for the exercise of the powers and
39 duties of the department. The purposes, powers and operation of the
40 corporation must be consistent with the purposes, powers and duties of the
41 department.

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

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

9 7. May designate any person within the department to perform any of
10 the duties or responsibilities, or exercise any of the authority, of the
11 director on his behalf.

12 8. May negotiate and execute agreements with public or private entities
13 which are necessary to the exercise of the powers and duties of the director
14 or the department.

15 9. May establish a trust account in the state treasury for depositing and
16 accounting for money that is held in escrow or is on deposit with the
17 department for the payment of any direct expenses incurred by the director
18 in connection with any bond programs administered by the director. The
19 interest and income earned on money in the trust account, less any amount
20 deducted to pay for applicable charges, must be credited to the trust
21 account. Any balance remaining in the account at the end of a fiscal year
22 may be:

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

25 (b) Returned to any person entitled thereto in accordance with
26 agreements or regulations of the director relating to those bond programs.

27 **Sec. 138.** NRS 268.097 is hereby amended to read as follows:

28 268.097 1. Except as otherwise provided in subsections 2 and 3, *and*
29 *sections 20 and 21 of this act*, notwithstanding the provisions of any local,
30 special or general law, after July 1, 1963, the governing body of any
31 incorporated city in this state, whether incorporated by general or special
32 act, or otherwise, may not supervise or regulate any taxicab motor carrier as
33 defined in NRS 706.126 which is under the supervision and regulation of
34 ~~[the transportation services authority pursuant to law.]~~ *a taxicab authority.*

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

39 3. The governing body of any incorporated city in any county in which
40 the provisions of NRS ~~[706.8811]~~ *706.88185* to 706.885, inclusive, *and*
41 *sections 12 to 21, inclusive, of this act* do not apply, whether incorporated
42 by general or special act, or otherwise, may regulate by ordinance the
43 qualifications required of employees or lessees of a taxicab motor carrier in

1 a manner consistent with the regulations adopted by the transportation
2 services authority.

3 **Sec. 139.** (Deleted by amendment.)

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.

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

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

Sec. 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 ~~{or}~~, 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

(f) Take such other action as may be necessary or appropriate for cooperation with public and private agencies and otherwise to carry out the purposes of this chapter.

2. The administrator may delegate to any officer or employee of the division such of his powers and duties as he finds necessary to carry out the purposes of this chapter.

Sec. 145. (Deleted by amendment.)

Sec. 146. NRS 482.3963 is hereby amended to read as follows:

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

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

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

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

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

3. Such a temporary permit must:

(a) Bear the date of its expiration;

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

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

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

4. As used in this section, "carrier" means a common motor carrier of passengers as defined in NRS 706.041, a common motor carrier of property as defined in NRS 706.046, a contract motor carrier as defined in NRS 706.051, ~~for~~ a private motor carrier of property as defined in NRS 706.111 ~~for~~, *a taxicab motor carrier as defined in NRS 706.126, a limousine motor carrier as defined in section 5 of this act or a carrier of household goods as defined in section 2.5 of this act.*

Sec. 147. NRS 483.160 is hereby amended to read as follows:

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

2. "School bus" does not include a passenger car operated under a contract to transport children to and from school, a common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board ~~for the transportation services authority~~ when such a vehicle is

1 operated in the regular conduct of its business in interstate or intrastate
2 commerce within the State of Nevada.

3 **Sec. 148.** NRS 484.148 is hereby amended to read as follows:

4 484.148 1. “School bus” means every motor vehicle owned by or
5 under the control of a public or governmental agency or a private school
6 and regularly operated for the transportation of children to or from school
7 or a school activity or privately owned and regularly operated for
8 compensation for the transportation of children to or from school or a
9 school activity.

10 2. “School bus” does not include a passenger car operated under a
11 contract to transport children to and from school, a common carrier or
12 commercial vehicle under the jurisdiction of the Surface Transportation
13 Board ~~for the transportation services authority~~ when such a vehicle is
14 operated in the regular conduct of its business in interstate or intrastate
15 commerce within the State of Nevada.

16 **Sec. 149.** NRS 487.038 is hereby amended to read as follows:

17 487.038 1. Except as otherwise provided in subsections 3 and 4, the
18 owner or person in lawful possession of any real property may, after giving
19 notice pursuant to subsection 2, utilize the services of any ~~tow-car~~
20 operator *of a tow car* subject to the jurisdiction of the transportation
21 services authority to remove any vehicle parked in an unauthorized manner
22 on that property to the nearest public garage or storage yard if:

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

25 (b) The sign shows the telephone number of the police department or
26 sheriff’s office.

27 2. Oral notice must be given to the police department or sheriff’s
28 office, whichever is appropriate, indicating:

29 (a) The time the vehicle was removed;

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

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

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

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

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

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

8 **Sec. 150.** NRS 565.040 is hereby amended to read as follows:

9 565.040 1. The director may declare any part of this state a brand
10 inspection district.

11 2. After the creation of any brand inspection district as authorized by
12 this chapter all animals within any such district are subject to brand
13 inspection in accordance with the provisions of this chapter before:

14 (a) Consignment for slaughter within any district;

15 (b) Any transfer of ownership by sale or otherwise; or

16 (c) Removal from the district if the removal is not authorized pursuant
17 to a livestock movement permit issued by the department.

18 3. If a brand inspection district is created by the department pursuant to
19 the provisions of this chapter, the director shall adopt regulations defining
20 the boundaries of the district and the fees to be collected for brand
21 inspection and prescribing such other methods of procedure not
22 inconsistent with the provisions of this chapter as he considers necessary.

23 4. Any regulations adopted pursuant to the provisions of this section
24 must be published at least twice in a newspaper having a general circulation
25 in the brand inspection district created by the regulations . ~~[-, and copies of~~
26 ~~the regulations must be mailed to all common carriers of record with the~~
27 ~~transportation services authority operating in the brand inspection district.]~~
28 Such publication and notification constitutes legal notice of the creation of
29 the brand inspection district. The expense of advertising and notification
30 must be paid from the livestock inspection account.

31 **Sec. 151.** NRS 599B.010 is hereby amended to read as follows:

32 599B.010 As used in this chapter, unless the context otherwise
33 requires:

34 1. "Chance promotion" means any plan in which premiums are
35 distributed by random or chance selection.

36 2. "Commissioner" means the commissioner of consumer affairs.

37 3. "Consumer" means a person who is solicited by a seller or salesman.

38 4. "Division" means the consumer affairs division of the department of
39 business and industry.

40 5. "Donation" means a promise, grant or pledge of money, credit,
41 property, financial assistance or other thing of value given in response to a
42 solicitation by telephone, including, but not limited to, a payment or
43 promise to pay in consideration for a performance, event or sale of goods

1 or services. The term does not include volunteer services, government
2 grants or contracts or a payment by members of any organization of
3 membership fees, dues, fines or assessments or for services rendered by the
4 organization to those persons, if:

5 (a) The fees, dues, fines, assessments or services confer a bona fide
6 right, privilege, professional standing, honor or other direct benefit upon
7 the member; and

8 (b) Membership in the organization is not conferred solely in
9 consideration for making a donation in response to a solicitation.

10 6. “Goods or services” means any property, tangible or intangible, real,
11 personal or mixed, and any other article, commodity or thing of value.

12 7. “Premium” includes any prize, bonus, award, gift or any other
13 similar inducement or incentive to purchase.

14 8. “Recovery service” means a business or other practice whereby a
15 person represents or implies that he will, for a fee, recover any amount of
16 money that a consumer has provided to a seller or salesman pursuant to a
17 solicitation governed by the provisions of this chapter.

18 9. “Salesman” means any person:

19 (a) Employed or authorized by a seller to sell, or to attempt to sell,
20 goods or services by telephone;

21 (b) Retained by a seller to provide consulting services relating to the
22 management or operation of the seller’s business; or

23 (c) Who communicates on behalf of a seller with a consumer:

24 (1) In the course of a solicitation by telephone; or

25 (2) For the purpose of verifying, changing or confirming an order,
26 except that a person is not a salesman if his only function is to identify a
27 consumer by name only and he immediately refers the consumer to a
28 salesman.

29 10. Except as otherwise provided in subsection 11, “seller” means any
30 person who, on his own behalf, causes or attempts to cause a solicitation by
31 telephone to be made through the use of one or more salesmen or any
32 automated dialing announcing device under any of the following
33 circumstances:

34 (a) The person initiates contact by telephone with a consumer and
35 represents or implies:

36 (1) That a consumer who buys one or more goods or services will
37 receive additional goods or services, whether or not of the same type as
38 purchased, without further cost, except for actual postage or common
39 carrier charges;

40 (2) That a consumer will or has a chance or opportunity to receive a
41 premium;

42 (3) That the items for sale are gold, silver or other precious metals,
43 diamonds, rubies, sapphires or other precious stones, or any interest in oil,

- 1 gas or mineral fields, wells or exploration sites or any other investment
2 opportunity;
- 3 (4) That the product offered for sale is information or opinions
4 relating to sporting events;
- 5 (5) That the product offered for sale is the services of a recovery
6 service; or
- 7 (6) That the consumer will receive a premium , or goods or services if
8 he makes a donation;
- 9 (b) The solicitation by telephone is made by the person in response to
10 inquiries from a consumer generated by a notification or communication
11 sent or delivered to the consumer that represents or implies:
- 12 (1) That the consumer has been in any manner specially selected to
13 receive the notification or communication or the offer contained in the
14 notification or communication;
- 15 (2) That the consumer will receive a premium if the recipient calls the
16 person;
- 17 (3) That if the consumer buys one or more goods or services from the
18 person, the consumer will also receive additional or other goods or
19 services, whether or not the same type as purchased, without further cost or
20 at a cost that the person represents or implies is less than the regular price
21 of the goods or services;
- 22 (4) That the product offered for sale is the services of a recovery
23 service; or
- 24 (5) That the consumer will receive a premium or goods or services if
25 he makes a donation; or
- 26 (c) The solicitation by telephone is made by the person in response to
27 inquiries generated by advertisements that represent or imply that the
28 person is offering to sell any:
- 29 (1) Gold, silver or other metals, including coins, diamonds, rubies,
30 sapphires or other stones, coal or other minerals or any interest in oil, gas
31 or other mineral fields, wells or exploration sites, or any other investment
32 opportunity;
- 33 (2) Information or opinions relating to sporting events; or
- 34 (3) Services of a recovery service.
- 35 11. “Seller” does not include:
- 36 (a) A person licensed pursuant to chapter 90 of NRS when soliciting
37 offers, sales or purchases within the scope of his license.
- 38 (b) A person licensed pursuant to chapter 119A, 119B, 624, 645 or
39 696A of NRS when soliciting sales within the scope of his license.
- 40 (c) A person licensed as an insurance broker, agent or solicitor when
41 soliciting sales within the scope of his license.

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

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

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

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

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

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

14 (h) A public utility ~~for~~, *taxicab* motor carrier *or limousine motor*
15 *carrier* which is regulated pursuant to chapter 704 or 706 of NRS, or ~~by~~
16 an affiliate of such a utility or ~~motor~~ carrier, if the solicitation is within
17 the scope of its certificate or ~~license~~ *permit*.

18 (i) A utility which is regulated pursuant to chapter 710 of NRS, or ~~by~~
19 an affiliate of such a utility.

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

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

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

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

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

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

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

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

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

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

1 (l) A person soliciting without the intent to complete and who does not
2 complete, the sales transaction by telephone but completes the sales
3 transaction at a later face-to-face meeting between the solicitor and the
4 consumer, if the person, after soliciting a sale by telephone, does not cause
5 another person to collect the payment from or deliver any goods or services
6 purchased to the consumer.

7 (m) Any commercial bank, bank holding company, subsidiary or
8 affiliate of a bank holding company, trust company, savings and loan
9 association, credit union, industrial loan company, personal property
10 broker, consumer finance lender, commercial finance lender, or insurer
11 subject to regulation by an official or agency of this state or of the United
12 States, if the solicitation is within the scope of the certificate or license held
13 by the entity.

14 (n) A person holding a certificate of authority issued pursuant to chapter
15 452 of NRS when soliciting sales within the scope of the certificate.

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

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

21 (q) A person soliciting the sale of agricultural products, if the
22 solicitation is not intended to and does not result in a sale of more than
23 \$100 that is to be delivered to one address. As used in this paragraph,
24 “agricultural products” has the meaning ascribed to it in NRS 587.290.

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

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

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

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

34 (t) A person soliciting a transaction regulated by the Commodity Futures
35 Trading Commission, if:

36 (1) The person is registered with or temporarily licensed by the
37 Commission to conduct that activity pursuant to the Commodity Exchange
38 Act, ~~15~~ 7 U.S.C. §§ 1 et seq. ; ~~15~~ and

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

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

43 (1) Making the solicitation; or

1 (2) On whose behalf the solicitation is made.

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

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

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

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

12 (3) Is not regularly engaged in telephone sales.

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

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

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

21 **Sec. 151.5.** Section 1 of Assembly Bill No. 677 of this session is
22 hereby amended to read as follows:

23 **Section 1.** Chapter 706 of NRS is hereby amended by adding
24 thereto a new section to read as follows:

25 1. Notwithstanding any provision of *this section and* NRS
26 ~~[706.011 to 706.791,]~~ *706.881 to 706.885*, inclusive, and ~~this~~
27 ~~section]~~ *sections 12 to 21, inclusive, of Senate Bill No. 491 of this*
28 *session* to the contrary, if the registered owner of a vehicle which is
29 impounded pursuant to NRS ~~[706.476]~~ *706.88395* is a short-term
30 lessor licensed pursuant to NRS 482.363 who is engaged in the
31 business of renting or leasing vehicles in accordance with NRS
32 482.295 to 482.3159, inclusive, the registered owner is not liable
33 for any administrative fine or other penalty that may be imposed by
34 ~~[the]~~ *a taxicab* authority for the operation of a passenger vehicle in
35 violation of NRS ~~[706.011 to 706.791,]~~ *706.881 to 706.885*,
36 inclusive, *and sections 12 to 21, inclusive, of Senate Bill No. 491*
37 *of this session*, if at the time that the vehicle was impounded, the
38 vehicle was in the care, custody or control of a lessee.

39 2. A short-term lessor may establish that a vehicle was subject
40 to the care, custody or control of a lessee at the time that the vehicle
41 was impounded pursuant to NRS ~~[706.476]~~ *706.88395* by
42 submitting to the *taxicab* authority a true copy of the lease or rental
43 agreement pursuant to which the vehicle was leased or rented to the

1 lessee by the short-term lessor. The submission of a true copy of a
2 lease or rental agreement is prima facie evidence that the vehicle
3 was in the care, custody or control of the lessee.

4 3. Upon the receipt of a true copy of a written lease or rental
5 agreement pursuant to subsection 2 which evidences that the vehicle
6 impounded by the *taxicab* authority pursuant to NRS ~~706.476~~
7 *706.88395* was under the care, custody or control of a lessee and
8 not the registered owner of the vehicle, the *taxicab* authority shall
9 release the vehicle to the short-term lessor.

10 4. As used in this section, “short-term lessor” has the meaning
11 ascribed to it in NRS 482.053.

12 **Sec. 151.7.** The title of Assembly Bill No. 677 of this session is
13 hereby amended to read as follows:

14 AN ACT relating to vehicles; providing immunity under certain
15 circumstances for short-term lessors of vehicles from
16 administrative fines and other penalties that may be
17 imposed by ~~{the transportation services}~~ *a taxicab*
18 authority for vehicles leased by short-term lessors that are
19 operated in passenger service without a certificate of
20 public convenience and necessity; providing for the
21 release of such a vehicle impounded by ~~{the~~
22 ~~transportation services}~~ *a taxicab* authority to a short-
23 term lessor; and providing other matters properly relating
24 thereto.

25 **Sec. 151.8.** Section 5 of Senate Bill No. 68 of this session is hereby
26 amended to read as follows:

27 **Sec. 5.** “Category II peace officer” means:

- 28 1. The bailiff of the supreme court;
- 29 2. The bailiffs of the district courts, justices’ courts and
30 municipal courts whose duties require them to carry weapons and
31 make arrests;
- 32 3. Constables and their deputies whose official duties require
33 them to carry weapons and make arrests;
- 34 4. Inspectors employed by the transportation services authority
35 who exercise those powers of enforcement conferred by chapters
36 706 and 712 of NRS;
- 37 5. Parole and probation officers;
- 38 6. Special investigators who are employed full time by the
39 office of any district attorney or the attorney general;
- 40 7. Investigators of arson for fire departments who are specially
41 designated by the appointing authority;
- 42 8. The assistant and deputies of the state fire marshal;

1 9. The brand inspectors of the division of agriculture of the
2 department of business and industry who exercise the powers of
3 enforcement conferred by chapter 565 of NRS;

4 10. Investigators for the state forester firewarden who are
5 specially designated by him and whose primary duties are related to
6 the investigation of arson;

7 11. School police officers employed by the board of trustees of
8 any county school district;

9 12. Agents of the state gaming control board who exercise the
10 powers of enforcement specified in NRS 289.360, 463.140 or
11 463.1405, except those agents whose duties relate primarily to
12 auditing, accounting, the collection of taxes or license fees, or the
13 investigation of applicants for licenses;

14 13. Investigators and administrators of the bureau of
15 enforcement of the registration division of the department of motor
16 vehicles and public safety who perform the duties specified in
17 subsection 3 of NRS 481.048;

18 14. Officers and investigators of the section for the control of
19 emissions from vehicles of the registration division of the
20 department of motor vehicles and public safety who perform the
21 duties specified in subsection 3 of NRS 481.0481;

22 15. Legislative police officers of the State of Nevada;

23 16. The personnel of the capitol police division of the
24 department of motor vehicles and public safety appointed pursuant
25 to subsection 2 of NRS 331.140;

26 17. Parole counselors of the division of child and family
27 services of the department of human resources;

28 18. Juvenile probation officers and deputy juvenile probation
29 officers employed by the various judicial districts in the State of
30 Nevada or by a department of family, youth and juvenile services
31 established pursuant to NRS 62.1264 whose official duties require
32 them to enforce court orders on juvenile offenders and make arrests;

33 19. Field investigators of ~~the~~ a taxicab authority;

34 20. Security officers employed full time by a city or county
35 whose official duties require them to carry weapons and make
36 arrests;

37 21. The chief of a department of alternative sentencing created
38 pursuant to NRS 211A.080 and the assistant alternative sentencing
39 officers employed by that department; and

40 22. Criminal investigators who are employed by the secretary
41 of state.

1 **Sec. 152.** 1. NRS 706.018, 706.021, 706.056, 706.072, 706.1512,
2 706.1514, 706.158, 706.168, 706.266, 706.282, 706.356, 706.371,
3 706.396, 706.436, 706.471, 706.6411, 706.749, 706.8811, 706.8812,
4 706.8813, 706.8814, 706.8816, 706.8817, 706.8818 and 706.8828 are
5 hereby repealed.

6 2. Section 4 of Assembly Bill No. 677 of this session is hereby
7 repealed.

8 **Sec. 153.** Any regulations relating to liability insurance adopted by the
9 transportation services authority pursuant to NRS 706.291, 706.303 or
10 706.305, or the taxicab authority created pursuant to former NRS
11 706.8818, remain in force until amended by the department of motor
12 vehicles and public safety. On and after October 1, 1999, such regulations
13 must be enforced by the department of motor vehicles and public safety.

14 **Sec. 154.** On October 1, 1999, the transportation services authority
15 and the taxicab authority created pursuant to former NRS 706.8818 shall
16 forward to the department of motor vehicles and public safety all liability
17 insurance policies, certificates of insurance, bonds of a surety company and
18 other surety which have been filed with the transportation services authority
19 and the taxicab authority created pursuant to former NRS 706.8818.

20 **Sec. 155.** 1. Except to the extent of any inconsistency with the
21 provisions of chapter 706 of NRS, any regulation adopted by the
22 transportation services authority remains in effect in the counties which
23 were not otherwise subject to the jurisdiction of the taxicab authority
24 created pursuant to former NRS 706.8818 until the date on which the
25 regulations adopted by the taxicab authority for northern Nevada pursuant
26 to section 157 of this act become effective. The regulations of the
27 transportation services authority must be enforced by the taxicab authority
28 for northern Nevada during the period between October 1, 1999, and the
29 date on which the regulations adopted by the taxicab authority for northern
30 Nevada pursuant to section 157 of this act become effective.

31 2. Any contracts or other agreements entered into on or before
32 September 30, 1999, by the transportation services authority relating to the
33 taxicab or limousine business are binding upon the taxicab authority which
34 has jurisdiction over the taxicabs or limousines that are subject to the
35 provisions of the contracts or other agreements. Such contracts and
36 agreements may be enforced by the taxicab authority for northern Nevada.

37 **Sec. 156.** 1. Except to the extent of any inconsistency with the
38 provisions of chapter 706 of NRS, any regulation adopted by the taxicab
39 authority created pursuant to former NRS 706.8818 remains in force in the
40 county which was subject to the jurisdiction of that taxicab authority until
41 the date on which the regulations adopted by the taxicab authority for
42 southern Nevada pursuant to section 157 of this act become effective. The
43 regulations of the taxicab authority created pursuant to former NRS

1 706.8818 must be enforced by the taxicab authority for southern Nevada
2 during the period between October 1, 1999, and the date on which the
3 regulations adopted by the taxicab authority for southern Nevada pursuant
4 to section 157 of this act become effective.

5 2. Any contracts or other agreements entered into on or before
6 September 30, 1999, by the taxicab authority created pursuant to former
7 NRS 706.8818 are binding upon the taxicab authority for southern Nevada.
8 Such contracts and agreements may be enforced by the taxicab authority for
9 southern Nevada.

10 **Sec. 157.** Not later than January 1, 2000, the taxicab authority for
11 southern Nevada and the taxicab authority for northern Nevada shall adopt
12 such regulations as are necessary to carry out the provisions of NRS
13 706.881 to 706.885, inclusive, and sections 12 to 21, inclusive, of this act.

14 **Sec. 158.** The board of county commissioners for each county
15 required to enact an ordinance pursuant to section 20 of this act, relating to
16 the regulation of taxicab motor carriers and limousine motor carriers that
17 are based and primarily operate within the jurisdiction of the board of
18 county commissioners shall enact such an ordinance not later than October
19 1, 1999. The ordinance must become effective on October 1, 1999.

20 **Sec. 159.** 1. Notwithstanding any specific statute to the contrary, the
21 terms of office of all members of the taxicab authority created pursuant to
22 NRS 706.8818 expire on September 30, 1999.

23 2. Not later than October 1, 1999, the governor shall appoint three
24 persons as members of the taxicab authority for southern Nevada, whose
25 terms commence on October 1, 1999. Notwithstanding the provisions of
26 section 12 of this act to the contrary, for the initial terms of the members of
27 the taxicab authority for southern Nevada, the governor shall appoint:

28 (a) Two members to 4-year terms; and

29 (b) One member to a 3-year term.

30 **Sec. 160.** 1. Not later than October 1, 1999, the governor shall
31 appoint three persons as members of the taxicab authority for northern
32 Nevada, whose terms commence on October 1, 1999.

33 2. Notwithstanding the provisions of section 13 of this act to the
34 contrary, for the initial terms of the members of the taxicab authority for
35 northern Nevada, the governor shall appoint, in addition to the appointment
36 of the sheriff of a county whose population is 100,000 or more but less than
37 400,000:

38 (a) One member to a 4-year term; and

39 (b) One member to a 3-year term.

40 **Sec. 161.** On October 1, 1999, the state controller shall transfer all
41 assets and liabilities from the taxicab authority fund abolished pursuant to
42 section 118 of this act to the taxicab authority regulatory fund for southern
43 Nevada created pursuant to section 118 of this act.

1 **Sec. 161.3.** Notwithstanding any provision of section 116 of this act to
2 the contrary, a taxicab authority shall not establish a system of allocations
3 for limousines in accordance with section 116 of this act on or before
4 March 1, 2000.

5 **Sec. 161.7.** 1. On October 1, 1999, the transportation services
6 authority shall, with respect to each application for a certificate of public
7 convenience and necessity to operate as a taxicab motor carrier or
8 limousine motor carrier which has been filed with it and which it has not
9 approved or denied as of that date, transfer the application:

10 (a) To the appropriate taxicab authority that has jurisdiction over the
11 applicant; or

12 (b) If the applicant is based and will primarily operate in a county that
13 has enacted an ordinance pursuant to section 20 of this act to exclude the
14 county from the jurisdiction of a taxicab authority, to the board of county
15 commissioners of that county.

16 2. An application that is transferred to a taxicab authority pursuant to
17 subsection 1 shall be deemed to have been filed with the taxicab authority.

18 **Sec. 162.** The taxicab authority created pursuant to NRS 706.8818 and
19 the transportation services authority shall cooperate fully and take all
20 reasonable steps before October 1, 1999, to ensure that the provisions of
21 this act are carried out in an orderly fashion.

22 **Sec. 162.5.** The amendatory provisions of this act do not apply to
23 offenses that were committed before October 1, 1999.

24 **Sec. 163.** 1. This section, sections 20 and 21, subsection 2 of section
25 152 and sections 158, 159, 160 and 162 of this act become effective upon
26 passage and approval.

27 2. Sections 1 to 19, inclusive, 22 to 96, inclusive, 97 to 107, inclusive,
28 109 to 134.5, inclusive, 136 to 151, inclusive, 151.8, subsection 1 of
29 section 152 and sections 153 to 157, inclusive, 161, 161.3, 161.7, 162.5
30 and 164 of this act become effective on October 1, 1999.

31 3. Sections 108, 135, 151.5 and 151.7 of this act become effective at
32 12:01 a.m. on October 1, 1999.

33 **Sec. 164.** Sections 17, 18 and 19 of this act expire by limitation on the
34 date on which the provisions of 42 U.S.C. § 666 requiring each state to
35 establish procedures under which the state has authority to withhold or
36 suspend, or to restrict the use of professional, occupational and recreational
37 licenses of persons who:

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

41 2. Are in arrears in the payment for the support of one or more
42 children,

43 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.
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