

SENATE BILL NO. 576—SENATOR O'DONNELL

MAY 22, 2001

Referred to Committee on Transportation

SUMMARY—Makes various changes to provisions governing fully regulated carriers.
(BDR 58-1557)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

~

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

AN ACT relating to transportation; imposing an annual fee upon certain fully regulated carriers; making various changes governing fully regulated carriers of passengers; requiring the drivers of fully regulated carriers of passengers to obtain drivers' permits; imposing a fee for the issuance and renewal of such a permit; establishing standards of conduct for such drivers; providing for the impoundment of certain vehicles by the transportation services authority; requiring certain actions with regard to defects and unsafe conditions in vehicles; exempting certain holders of unrestricted gaming licenses that operate motor vehicles from the provisions governing fully regulated carriers; authorizing the transportation services authority to impose a fee for the issuance of identification decals to such exempted holders of unrestricted gaming licenses; requiring the transportation services authority to establish a system of allocation for limousines; providing that certain acts of drivers of fully regulated carriers of passengers are unlawful; temporarily prohibiting an increase in the number of limousines that may be operated in certain counties; 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 24, inclusive, of this act.
3 **Sec. 2. 1. “Bus” means a motor vehicle:**
4 *(a) That is capable of carrying 16 or more persons, including the*
5 *driver; and*
6 *(b) With a chassis that when originally designed and constructed by*
7 *the original manufacturer was designed and constructed to carry 16 or*
8 *more persons, including the driver.*
9 **2. The term does not include a motor vehicle with a chassis that**
10 *when originally manufactured was designed to carry less than 16*



* S B 5 7 6 R 1 *

- 1 *persons, including the driver, but which has been modified to carry 16 or*
2 *more persons, including the driver.*
- 3 *Sec. 3. "Enforcement officer" means a member of the authority, a*
4 *manager of transportation of the authority or any other employee*
5 *designated by the authority to enforce the provisions of this chapter.*
- 6 *Sec. 4. "Fully regulated carrier of passengers" means a common*
7 *carrier or contract carrier of passengers that is required to obtain from*
8 *the authority a certificate of public convenience and necessity. The term*
9 *includes, without limitation, a holder of a certificate that operates a*
10 *taxicab, traditional limousine or livery limousine.*
- 11 *Sec. 5. "Livery limousine" means a motor vehicle which:*
- 12 *1. Was a light truck, as that term is defined in 49 C.F.R. § 523.5, at*
13 *the time of its manufacture;*
- 14 *2. Has a capacity of 11 or more persons but less than 16 persons,*
15 *including the driver; and*
- 16 *3. Is engaged in the general transportation of persons for*
17 *compensation and not operated on a regular schedule or over regular*
18 *routes.*
- 19 *Sec. 6. "Traditional limousine" means a motor vehicle that is*
20 *engaged in the general transportation of persons for compensation and*
21 *not operated on a regular schedule or over regular routes and:*
- 22 *1. Was a passenger automobile, as that term is defined in 49 C.F.R. §*
23 *523.4, at the time of its manufacture and was later modified to increase*
24 *its length; or*
- 25 *2. Has a capacity of less than 11 persons, including the driver.*
- 26 *Sec. 7. A fully regulated carrier, other than a fully regulated carrier*
27 *that operates taxicabs or an operator of a tow car, shall pay to the*
28 *authority a fee of not more than \$350 per year for each vehicle that the*
29 *authority has authorized the carrier to operate.*
- 30 *Sec. 8. 1. A member or the deputy of the authority shall issue a*
31 *driver's permit to each qualified person who wishes to be employed as a*
32 *driver by a fully regulated carrier of passengers. Before a member or the*
33 *deputy of the authority may issue a driver's permit pursuant to this*
34 *section, the member or deputy shall:*
- 35 *(a) Require the applicant for the driver's permit to submit a complete*
36 *set of his fingerprints and written permission authorizing the authority to*
37 *forward the fingerprints to the central repository for Nevada records of*
38 *criminal history for submission to the Federal Bureau of Investigation*
39 *for its report, and shall further investigate the background of the*
40 *applicant; and*
- 41 *(b) Require proof that the applicant:*
- 42 *(1) Has been a resident of this state for at least 30 days before the*
43 *date on which he filed his application for the driver's permit;*
- 44 *(2) Possesses the qualifications set forth in 49 C.F.R. §*
45 *391.11(b)(2); and*
- 46 *(3) Has a valid and appropriate license issued pursuant to NRS*
47 *483.340 which authorizes him to drive in this state the vehicle he will be*
48 *employed to drive.*



* S B 5 7 6 R 1 *

- 1 2. A member or the deputy of the authority may refuse to issue a
2 driver's permit to an applicant if the applicant has been convicted of:
3 (a) A felony, other than a sexual offense, in this state or any other
4 jurisdiction within the 5 years immediately preceding the date on which
5 he filed his application;
6 (b) A felony involving any sexual offense in this state or any other
7 jurisdiction at any time before the date on which he filed his application;
8 or
9 (c) A violation of NRS 484.379 or 484.3795, or a law in another
10 jurisdiction that prohibits the same or similar conduct, within the 3 years
11 immediately preceding the date on which he filed his application.
12 3. A member or the deputy of the authority may refuse to issue a
13 driver's permit to an applicant if, after the investigation of the
14 background of the applicant, the member or deputy of the authority
15 reasonably determines that the applicant is morally unfit or that the
16 issuance of a driver's permit to the applicant would be detrimental to
17 public health, welfare or safety.
18 4. There must be paid to the authority for:
19 (a) The issuance of an original driver's permit, a fee of \$50.
20 (b) The renewal of a driver's permit, a fee of \$25.
21 Sec. 9. An application for the issuance of a driver's permit must
22 include the social security number of the applicant.
23 Sec. 10. 1. An applicant for the issuance or renewal of a driver's
24 permit shall submit to the authority the statement prescribed by the
25 welfare division of the department of human resources pursuant to NRS
26 425.520. The statement must be completed and signed by the applicant.
27 2. The authority shall include the statement required pursuant to
28 subsection 1 in:
29 (a) The application or any other forms that must be submitted for the
30 issuance or renewal of the driver's permit; or
31 (b) A separate form prescribed by the authority.
32 3. A driver's permit may not be issued or renewed by the authority if
33 the applicant:
34 (a) Fails to submit the statement required pursuant to subsection 1; or
35 (b) Indicates on the statement submitted pursuant to subsection 1 that
36 he is subject to a court order for the support of a child and is not in
37 compliance with the order or a plan approved by the district attorney or
38 other public agency enforcing the order for the repayment of the amount
39 owed pursuant to the order.
40 4. If an applicant indicates on the statement submitted pursuant to
41 subsection 1 that he is subject to a court order for the support of a child
42 and is not in compliance with the order or a plan approved by the district
43 attorney or other public agency enforcing the order for the repayment of
44 the amount owed pursuant to the order, the authority shall advise the
45 applicant to contact the district attorney or other public agency enforcing
46 the order to determine the actions that the applicant may take to satisfy
47 the arrearage.
48 Sec. 11. 1. Before applying to a fully regulated carrier of
49 passengers for employment as a driver, a person must obtain a



* S B 5 7 6 R 1 *

1 *physician's certificate, with two copies thereof, from a physician who is*
2 *licensed to practice medicine in this state.*
3 2. *A physician shall issue a certificate and two copies thereof to an*
4 *applicant if the physician finds that the applicant meets the applicable*
5 *health requirements established by the Federal Motor Carrier Safety*
6 *Regulations, 49 C.F.R. §§ 391.41 et seq.*
7 3. *A certificate from a physician issued pursuant to this section must:*
8 (a) *State that the physician has examined the applicant and found that*
9 *the applicant meets the applicable health requirements established by the*
10 *Federal Motor Carrier Safety Regulations, 49 C.F.R. §§ 391.41 et seq.;*
11 *and*
12 (b) *Be signed and dated by the physician issuing the certificate.*
13 4. *A certificate from a physician issued pursuant to this section*
14 *expires 2 years after the date on which it was issued and may be renewed.*
15 **Sec. 12.** 1. *A fully regulated carrier of passengers shall not employ*
16 *a person as a driver unless the person has obtained and has on his*
17 *person:*
18 (a) *A valid driver's license issued by this state pursuant to NRS*
19 *483.010 to 483.630, inclusive;*
20 (b) *A copy of a certificate from a physician issued pursuant to section*
21 *11 of this act; and*
22 (c) *A driver's permit issued pursuant to section 8 of this act.*
23 2. *A fully regulated carrier of passengers shall, at the time that it*
24 *employs a person to drive a vehicle:*
25 (a) *Provide that person with a complete copy of NRS 706.011 to*
26 *706.791, inclusive, and sections 2 to 24, inclusive, of this act, and any*
27 *regulations adopted pursuant thereto; and*
28 (b) *Require the person to sign a statement acknowledging that he has*
29 *received a complete copy of NRS 706.011 to 706.791, inclusive, and*
30 *sections 2 to 24, inclusive, of this act, and any regulations adopted*
31 *pursuant thereto, and has read and familiarized himself with the*
32 *provisions included therein.*
33 **Sec. 13.** 1. *Each driver of a fully regulated carrier of passengers*
34 *shall keep a daily trip sheet in a form to be prescribed by the authority.*
35 2. *At the beginning of each period of duty, a driver shall record on*
36 *his daily trip sheet:*
37 (a) *His name and the number of the vehicle;*
38 (b) *The time at which he began his period of duty; and*
39 (c) *The odometer reading of the vehicle.*
40 3. *During his period of duty, a driver shall record on his daily trip*
41 *sheet:*
42 (a) *The time, place of origin and destination of each trip; and*
43 (b) *The number of passengers and amount of fare for each trip.*
44 4. *At the end of each period of duty, a driver shall record on his daily*
45 *trip sheet:*
46 (a) *The time at which he ended his period of duty; and*
47 (b) *The odometer reading of the vehicle.*
48 5. *Each driver of a fully regulated carrier of passengers shall file*
49 *each trip sheet with the carrier. The carrier or a person designated by the*



* S B 5 7 6 R 1 *

1 carrier shall review and retain each of the daily trip sheets of its drivers
2 in a safe place for at least 3 years immediately following December 31 of
3 the year to which the daily trip sheets pertain. A carrier shall make the
4 daily trip sheets available for inspection by a member or the deputy of the
5 authority upon reasonable demand.

6 6. A driver who fails to maintain a daily trip sheet or file a trip sheet
7 with a carrier as required by this section is guilty of a misdemeanor.

8 7. The provisions of this section do not relieve a carrier from any
9 obligation under its certificate of public convenience and necessity or
10 from its duty to comply with this chapter and the regulations adopted
11 pursuant to this chapter.

12 **Sec. 14.** While a driver for a fully regulated carrier of passengers is
13 on duty:

14 1. The driver:

15 (a) Must be appropriately dressed in accordance with the standards of
16 the business;

17 (b) Must be neat and clean in person and appearance;

18 (c) Shall refrain from talking loudly, uttering profanity and shouting
19 to other drivers;

20 (d) Shall attend his vehicle if the vehicle is being held out for hire;

21 (e) Shall discourage passengers from entering or leaving the vehicle
22 from the left side, except at the left curb of a one-way street or while the
23 vehicle is parked at an angle to the curb; and

24 (f) Shall operate his vehicle in accordance with all applicable state
25 and local laws and regulations, and with due regard for the safety,
26 comfort and convenience of passengers and the general public.

27 2. The driver shall not:

28 (a) Have in his possession a lit cigar, cigarette or pipe while a
29 passenger is being carried in his vehicle;

30 (b) Chew tobacco or use snuff while a passenger is being carried in
31 his vehicle;

32 (c) Load or unload passengers or luggage at an intersection or
33 crosswalk, or at any place or in any manner that will interfere with the
34 orderly flow of traffic;

35 (d) Leave his vehicle unattended with the key in the ignition lock; or

36 (e) Carry passengers in a manner inconsistent with the
37 manufacturer's recommendations or in a way to obstruct his vision for
38 safe operation of the vehicle.

39 **Sec. 15.** With respect to the destination of a passenger, a driver of a
40 fully regulated carrier of passengers shall not:

41 1. Deceive or attempt to deceive any passenger who rides or desires
42 to ride in the vehicle;

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

45 3. Take a longer route than is necessary to the destination requested
46 by the passenger, unless otherwise directed to do so by the passenger; or

47 4. Fail to comply with any reasonable and lawful request of the
48 passenger concerning speed and route to be taken.



* S B 5 7 6 R 1 *

- 1 **Sec. 16.** 1. *Except as otherwise provided in subsection 2, a driver*
2 *of a fully regulated carrier of passengers shall not refuse or neglect to*
3 *transport any person to the destination requested by that person if:*
4 (a) *The person requests that the driver transport the person to that*
5 *destination; and*
6 (b) *The requested destination is located within the area of operation*
7 *authorized by the certificate of public convenience and necessity issued to*
8 *the carrier.*
9 2. *A driver of a fully regulated carrier of passengers is not subject to*
10 *the provisions of subsection 1 if the driver can show beyond a reasonable*
11 *doubt that:*
12 (a) *The driver had good reason to fear for his personal safety;*
13 (b) *The vehicle has been previously engaged by another person;*
14 (c) *The driver is forbidden by statute or regulation to carry the person*
15 *requesting the transportation; or*
16 (d) *The person requesting service acted in a disorderly manner,*
17 *including, without limitation, the use of:*
18 (1) *Hostile or offensive gestures; or*
19 (2) *Indecent or offensive language.*
20 3. *The authority shall adopt regulations that define when a person*
21 *acts in a disorderly manner, when a person uses hostile or offensive*
22 *gestures and when a person uses indecent or offensive language for the*
23 *purposes of paragraph (d) of subsection 2.*
24 **Sec. 17.** 1. *If a driver of a fully regulated carrier of passengers*
25 *violates any provision of sections 11 to 16, inclusive, of this act, an*
26 *enforcement officer may impose the following sanctions:*
27 (a) *For a first offense, a warning or a fine of not more than \$100, or*
28 *both a warning and a fine.*
29 (b) *For a second offense, a suspension of the driver's permit issued to*
30 *the driver of not more than 3 days or a fine of not more than \$200, or*
31 *both a suspension and a fine.*
32 (c) *For a third offense, a suspension of the driver's permit issued to*
33 *the driver of not more than 6 days or a fine of not more than \$300, or*
34 *both a suspension and a fine.*
35 (d) *For a fourth offense, a suspension of the driver's permit issued to*
36 *the driver of 10 days or a fine of not more than \$500, or both a*
37 *suspension and a fine.*
38 (e) *For a fifth or subsequent offense, the revocation of the driver's*
39 *permit issued to the driver or a fine of not more than \$500, or both the*
40 *revocation of the driver's permit and a fine.*
41 2. *For the purposes of subsection 1, only those violations occurring*
42 *in the 12 months immediately preceding the most current violation may*
43 *be considered. The enforcement officer shall inspect the record of the*
44 *offending driver to determine the number of offenses committed during*
45 *the immediately preceding 12-month period.*
46 3. *The enforcement officer must conduct a hearing before he revokes*
47 *or suspends the driver's permit of a driver or imposes a fine against a*
48 *driver pursuant to this section.*



* S B 5 7 6 R 1 *

Sec. 18. 1. A driver of a fully regulated carrier of passengers:

(a) Shall not drive a vehicle or go on duty while under the influence of, or impaired by, any controlled substance, dangerous drug or intoxicating liquor.

(b) Shall not drink or otherwise consume any intoxicating liquor while on duty.

(c) Shall not, at any time, use or consume any controlled substance or dangerous drug that may impair his ability to operate a motor vehicle and shall not, at any time, use or consume any other controlled substance or dangerous drug, except in accordance with a lawfully issued prescription.

(d) Shall obey all provisions and restrictions of the certificate of public convenience and necessity issued to the carrier.

2. If a driver violates any provision of subsection 1, an enforcement officer may, after a hearing, impose the following sanctions:

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

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

(c) For a third or subsequent offense, the revocation of the driver's permit issued to the driver or a fine of not more than \$500, or both the revocation of the driver's permit and a fine.

In addition to any fine set forth in this subsection, the enforcement officer may revoke the driver's permit issued to a driver for any violation of paragraph (a) of subsection 1.

3. For the purposes of this section, only those violations occurring in the 12 months immediately preceding the most current violation may be considered. The enforcement officer shall inspect the record of the offending driver to determine the number of offenses committed during the immediately preceding 12-month period.

Sec. 19. 1. Each week, a common motor carrier or contract motor carrier authorized to operate a taxicab, traditional limousine, livery limousine or bus shall perform a preventative maintenance and safety inspection as recommended by the maintenance specifications of the manufacturer of the vehicle.

2. Any person, including, without limitation, a safety inspector, service maintenance person, supervisor, manager, owner or driver, who operates a motor vehicle for a common motor carrier or contract motor carrier engaged in passenger or light express service shall:

(a) Report and notify the owner or manager of the common or contract carrier of a safety defect or unsafe condition in a vehicle as soon as possible after becoming aware of the defect or condition; and

(b) Return the vehicle to the maintenance facility for repair as soon as possible after becoming aware of the defect or condition.

A common motor carrier or contract motor carrier that receives notice of a defect or unsafe condition pursuant to this subsection shall not allow



* S B 5 7 6 R 1 *

1 *the vehicle to be returned to service until the defect or condition has been*
2 *repaired.*

3 **Sec. 20.** *The provisions of sections 21, 22 and 23 of this act only*
4 *apply in a county whose population is 400,000 or more.*

5 **Sec. 21.** *The authority may:*

6 *1. Determine the circumstances that require a temporary increase in*
7 *the number of traditional limousines or livery limousines that are*
8 *operated by each fully regulated carrier of passengers which operates*
9 *such vehicles pursuant to section 22 of this act; and*

10 *2. Allocate a temporary increase in the number of traditional*
11 *limousines and livery limousines pursuant to section 23 of this act when*
12 *the circumstances require the increase.*

13 **Sec. 22.** *1. In determining a system of allocation for traditional*
14 *limousines and livery limousines, or a change in the existing allocation*
15 *of traditional limousines and livery limousines, the authority shall*
16 *consider separately the interests, welfare, convenience, necessity and*
17 *well-being of the customers of taxicab motor carriers and of other fully*
18 *regulated carriers of passengers. The authority may also consider*
19 *additional factors, including, without limitation:*

20 *(a) The increase in population during the year immediately preceding*
21 *the date of consideration of counties whose population is 400,000 or*
22 *more.*

23 *(b) The increase in the volume of passengers during the year*
24 *immediately preceding the date of consideration at airports in counties*
25 *whose population is 400,000 or more.*

26 *(c) The increase in the number of occupied hotel and motel rooms*
27 *during the year immediately preceding the date of consideration in*
28 *counties whose population is 400,000 or more.*

29 *(d) The increase in the number of customers using the services of*
30 *traditional limousines and livery limousines during the year immediately*
31 *preceding the date of consideration in counties whose population is*
32 *400,000 or more.*

33 *2. If circumstances require an increase in existing allocations, the*
34 *authority shall allocate the vehicles equally among the fully regulated*
35 *carriers of passengers who apply for an allocation and who are in the*
36 *area affected by the allocation.*

37 *3. Unless a fully regulated carrier of passengers puts additionally*
38 *allocated traditional limousines or livery limousines into service within*
39 *90 days after the effective date of an increased allocation, the increased*
40 *allocation to that carrier is void.*

41 *4. The authority may attach to the exercise of the rights granted by*
42 *an allocation any terms and conditions that, in its judgment, the public*
43 *interest may require. The authority shall determine from evidence*
44 *gathered at a hearing which arrangements for capitalization or other*
45 *security or assets must remain in place and which principals and*
46 *managers of the applicant must continue to be active in those capacities*
47 *to provide the fitness and ability required for continued operation under*
48 *the certificate of public convenience and necessity issued to the fully*
49 *regulated carrier of passengers.*



- 1 5. Each year, the authority shall review any existing allocation of
2 traditional limousines and livery limousines to determine whether the
3 allocation is appropriate pursuant to subsection 1.
- 4 6. After considering all information relevant to the operation of
5 traditional limousines and livery limousines in a county whose
6 population is 400,000 or more, the authority shall adopt regulations
7 relating to the number of such vehicles that will be allocated.
- 8 **Sec. 23.** 1. In determining whether circumstances require a
9 temporary increase in the number of traditional limousines and livery
10 limousines allocated pursuant to section 22 of this act, the authority shall
11 consider separately the interests, welfare, convenience, necessity and
12 well-being of the customers of taxicab motor carriers and of other fully
13 regulated carriers of passengers.
- 14 2. If circumstances require a temporary increase in the number of
15 vehicles allocated pursuant to section 22 of this act, the authority shall
16 allocate the temporary increase equally among the fully regulated
17 carriers of passengers who apply for an allocation and who are in the
18 area affected by the allocation.
- 19 3. The authority shall determine:
20 (a) The number of additional vehicles to be allocated; and
21 (b) The duration of the temporary allocations, which may not exceed
22 15 days.
- 23 4. The authority may adopt regulations governing temporary
24 increases in the allocation of vehicles pursuant to this section.
- 25 **Sec. 24.** 1. A motor vehicle used for the transportation of
26 passengers or property is not subject to the provisions of this chapter
27 governing fully regulated carriers if:
28 (a) The person that owns and operates the motor vehicle holds a
29 nonrestricted license pursuant to which the holder operates any number
30 of slot machines together with any other game, gaming device, race book
31 or sports pool at one establishment;
32 (b) The person who holds the nonrestricted license is not in the
33 business of transporting passengers or property; and
34 (c) The use of the motor vehicle by the person who holds the
35 nonrestricted license to transport passengers or property is incidental to
36 the business for which the nonrestricted license was issued.
- 37 2. A holder of a nonrestricted license may apply to the authority for
38 the issuance of a decal, sticker or other type of identification for
39 placement on a motor vehicle used by the holder to transport passengers
40 and property in accordance with subsection 1. The authority shall issue a
41 decal, sticker or other type of identification to a holder of a nonrestricted
42 license if the authority determines that the motor vehicle upon which the
43 identification will be placed meets and will be operated in accordance
44 with the requirements of subsection 1. A decal, sticker or other type of
45 identification is valid for 1 year. The authority may impose a fee of not
46 more than \$50 for the issuance of a decal, sticker or other type of
47 identification pursuant to this subsection.
- 48 3. As used in this section, "nonrestricted license" has the meaning
49 ascribed to it in subsection 2 of NRS 463.0177.



* S B 5 7 6 R 1 *

1 **Sec. 25.** NRS 706.011 is hereby amended to read as follows:
2 706.011 As used in NRS 706.011 to 706.791, inclusive, *and sections 2*
3 *to 24, inclusive, of this act*, unless the context otherwise requires, the
4 words and terms defined in NRS 706.013 to 706.146, inclusive, *and*
5 *sections 2 to 6, inclusive, of this act* have the meanings ascribed to them in
6 those sections.

7 **Sec. 26.** NRS 706.101 is hereby amended to read as follows:
8 706.101 "Operator" means a person, other than a lienholder, having a
9 property interest in or title to a vehicle. Except as otherwise provided in
10 this section, the term includes a person entitled to the use and possession of
11 a vehicle under a lease or contract for the purpose of transporting persons
12 or property. The term does not include a person who is the lessee of a
13 taxicab *or limousine* pursuant to NRS 706.473.

14 **Sec. 27.** NRS 706.168 is hereby amended to read as follows:
15 706.168 *1.* The authority of the transportation services authority to
16 supervise and regulate ~~motor~~ carriers, *drivers* and brokers respectively,
17 to the extent provided in this chapter, must be exercised separately. A
18 ~~motor~~ carrier is responsible only for his own acts and ~~those of his~~
19 ~~employees or agents who are not brokers.~~ *the acts of the driver or broker*
20 *that were directed or allowed by the carrier.* A broker is responsible only
21 for his own acts and ~~those~~ *the acts* of his ~~employees or agents who are~~
22 ~~not motor carriers.~~ *employee or agent that were directed or allowed by*
23 *the broker.*

24 *2. The provisions of this section do not relieve a carrier from any*
25 *obligation under its certificate of public convenience and necessity or*
26 *from its duty to comply with this chapter and the regulations adopted*
27 *pursuant to this chapter.*

28 **Sec. 28.** NRS 706.171 is hereby amended to read as follows:
29 706.171 1. The authority and the department may:
30 (a) Make necessary and reasonable regulations governing the
31 administration and enforcement of the provisions of this chapter for which
32 they are each responsible.
33 (b) Adopt by reference any appropriate rule or regulation, as it exists at
34 the time of adoption, issued by the United States Department of
35 Transportation, the Surface Transportation Board, any other agency of the
36 Federal Government, or the National Association of Regulatory Utility
37 Commissioners.
38 (c) Require such reports and the maintenance of such records as they
39 determine to be necessary for the administration and enforcement of this
40 chapter.
41 (d) Except as otherwise provided in this section, examine, at any time
42 during the business hours of the day, the books, papers and records of any
43 fully regulated carrier, and of any other common, contract or private motor
44 carrier doing business in this state to the extent necessary for their
45 respective duties. The authority and the department may examine in other
46 states or require by subpoena the production inside this state of such books,
47 papers and records as are not maintained in this state.
48 (e) Temporarily waive any requirement for a certificate or permit when
49 an emergency exists as defined in NRS 706.561.



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

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

9 4. *If the authority or the department adopts regulations that refer or
10 relate to a bus, the term "bus," as used in those regulations, has the
11 meaning ascribed to it in section 2 of this act.*

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

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

24 **Sec. 29.** NRS 706.2885 is hereby amended to read as follows:

25 706.2885 1. A certificate of public convenience and necessity,
26 permit or license issued in accordance with this chapter is not a franchise
27 and may be revoked.

28 2. The authority may at any time, for good cause shown, after
29 investigation and hearing, *unless waived by the holder of the certificate,
30 license or permit*, and upon 5 days' written notice to the ~~grantee~~ holder,
31 suspend any certificate, permit or license issued in accordance with the
32 provisions of NRS 706.011 to 706.791, inclusive, *and sections 2 to 24,
33 inclusive, of this act* for a period not to exceed 60 days.

34 3. Upon receipt of a written complaint or on its own motion, the
35 authority may, after investigation and hearing, revoke any certificate,
36 permit or license *for any violation of NRS 706.011 to 706.791,
37 inclusive, and sections 2 to 24, inclusive, of this act, or any regulation
38 adopted pursuant thereto, or for knowingly allowing or requiring any
39 employee to violate any provision of sections 2 to 24, inclusive, of this act
40 or any regulation of the authority relating thereto.* If service of the notice
41 required by subsection 2 cannot be made or if the ~~grantee~~ holder
42 relinquishes his interest in the certificate, permit or license by so notifying
43 the authority in writing, the authority may revoke the certificate, permit or
44 license without a hearing.

45 4. The proceedings thereafter are governed by the provisions of
46 chapter 233B of NRS.

47 5. *If the holder of a certificate or driver's permit fails to appear at
48 the time and place stated in the notice for any hearing, the authority
49 shall enter a finding of default. Upon the entering of a finding of default,*



* S B 5 7 6 R 1 *

1 *the authority may suspend or revoke the certificate or driver's permit of*
2 *the person who failed to appear and may impose the penalties as*
3 *provided in this chapter. For good cause shown, the authority may set*
4 *aside a finding of default entered pursuant to this subsection and proceed*
5 *with a hearing on the matter.*

6 **Sec. 30.** NRS 706.361 is hereby amended to read as follows:

7 706.361 1. A person with a disability is entitled to the full and equal
8 enjoyment of the facilities of any common motor carrier of passengers,
9 contract motor carrier of passengers or other entity providing a means of
10 public conveyance and transportation operating within this state.

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

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

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

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

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

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

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

31 5. It is unlawful for any *driver of a* common motor carrier, *or for a*
32 *contract motor carrier, common* motor carrier or other entity providing a
33 means of public conveyance or transportation operating within this state,
34 to:

35 (a) Deny the equal enjoyment of its services and facilities to a person
36 with a disability by the arbitrary, capricious or unreasonable interference,
37 direct or indirect, with the use of aids and appliances used by a person with
38 a disability;

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

40 (c) Fail to conduct the training sessions in the manner described in
41 subsection 3.

42 6. As used in this section, "disability" has the meaning ascribed to it in
43 49 C.F.R. § 37.3.

44 **Sec. 31.** NRS 706.366 is hereby amended to read as follows:

45 706.366 1. It is unlawful for a *driver of a* common motor carrier of
46 passengers, *or for a common motor carrier, contract motor carrier* or
47 other means of public conveyance or transportation operating in this state,
48 to:



* S B 5 7 6 R 1 *

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

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

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

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

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

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

19 **Sec. 32.** NRS 706.386 is hereby amended to read as follows:

20 706.386 **1.** It is unlawful, except as otherwise provided in NRS
21 373.117, 706.446, 706.453 and 706.745, for any fully regulated common
22 motor carrier to operate as a carrier of intrastate commerce and any
23 operator of a tow car to perform towing services within this state without
24 first obtaining a certificate of public convenience and necessity from the
25 authority.

26 **2. A person who violates the provisions of subsection 1 is guilty of a**
27 **gross misdemeanor.**

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

29 706.391 1. Upon the filing of an application for a certificate of
30 public convenience and necessity to operate as a motor carrier other than
31 an operator of a tow car ~~+~~ **and the payment of a nonrefundable**
32 **application fee of \$200,** the authority shall fix a time and place for hearing
33 ~~thereon~~ **on the application.**

34 2. The authority shall issue ~~such~~ a certificate **of public convenience**
35 **and necessity to a person who submits an application and application fee**
36 **pursuant to subsection 1,** if it finds that:

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

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

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

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

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



1 4. An applicant for such a certificate ~~has~~ :
2 (a) *Has* the burden of proving to the authority that the proposed
3 operation will meet the requirements of subsection 2 ~~+~~ ; and

4 (b) *Must pay the amounts billed to him by the authority for reasonable*
5 *costs incurred by the authority in conducting an investigation or hearing*
6 *regarding the applicant.*

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

9 (a) The exercise of the privilege sought.

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

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

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

17 **Sec. 34.** NRS 706.421 is hereby amended to read as follows:

18 706.421 *1.* It is unlawful for any contract motor carrier to act as such
19 within this state in intrastate commerce without first having obtained a
20 permit therefor.

21 *2. A person who violates the provisions of subsection 1 is guilty of a*
22 *gross misdemeanor.*

23 **Sec. 35.** NRS 706.473 is hereby amended to read as follows:

24 706.473 *1.* In a county whose population is less than 400,000, a
25 person who holds a certificate of public convenience and necessity which
26 was issued for the operation of a taxicab business may, upon approval from
27 the authority, lease a taxicab to an independent contractor who does not
28 hold a certificate of public convenience and necessity. A person ~~may lease~~
29 ~~only one taxicab to each independent contractor with whom he enters into a~~
30 ~~lease agreement.~~ *who holds a certificate of public convenience and*
31 *necessity shall not lease more than one vehicle to each lessee.* The taxicab
32 may be used only in a manner authorized by the lessor's certificate of
33 public convenience and necessity ~~+~~ *and must not be used to convey*
34 *passengers or light express without compensation therefor.*

35 *2.* A person who enters into a lease agreement with an independent
36 contractor pursuant to this section shall submit a copy of the agreement to
37 the authority for its approval. The agreement is not effective until approved
38 by the authority. *The authority shall review an agreement submitted to it*
39 *and shall not approve an agreement unless the agreement contains all*
40 *information that is required to be included in such an agreement.*

41 *3.* A person who leases a taxicab to an independent contractor is
42 jointly and severally ~~liable~~ *responsible* with the independent contractor
43 for any violation of the provisions of this chapter or the regulations adopted
44 pursuant thereto, and shall ensure that the independent contractor complies
45 with such provisions and regulations.

46 ~~4. The authority or any of its employees may intervene in a civil~~
47 ~~action involving a lease agreement entered into pursuant to this section.~~
48 *Each person who holds a certificate of public convenience and necessity*
49 *and who enters into a lease agreement pursuant to this section shall*



* S B 5 7 6 R 1 *

1 *make each such lease agreement available for public inspection at an*
2 *office in this state at which the person operates vehicles pursuant to the*
3 *certificate.*

4 **Sec. 36.** NRS 706.476 is hereby amended to read as follows:

5 706.476 Except as otherwise provided in NRS 706.478:

6 1. A vehicle used ~~as a taxicab, limousine or other passenger vehicle in~~
7 ~~passenger service~~ *by any person or entity in this state to provide any kind*
8 *of transportation of passengers or property that is subject to the*
9 *jurisdiction of the authority* must be impounded by the authority if a
10 certificate of public convenience and necessity has not been issued
11 authorizing ~~its operation.~~ *the operation of the vehicle.* A hearing must be
12 held by the authority ~~no~~ *not* later than the conclusion of the second
13 normal business day after impoundment, weekends and holidays excluded.
14 As soon as practicable after impoundment, the authority shall notify the
15 registered owner of the vehicle ~~+~~

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

19 ~~—(b) Of the~~ *of:*

20 *(a) The* time set for the hearing; and

21 ~~+(e) Of his~~

22 *(b) His* right to be represented by counsel during all phases of the
23 proceedings.

24 2. The authority shall hold the vehicle until the registered owner of the
25 vehicle appears and ~~+~~

26 ~~—(a) Proves that he~~ *proves that:*

27 *(a) He* is the registered owner of the vehicle;

28 *(b) He* holds a valid certificate of public convenience
29 and necessity;

30 ~~+(e) Proves that the~~ *and*

31 *(c) The* vehicle meets all required standards of the authority. ~~+~~ *and*

32 ~~—(d) Posts a bond in the amount of \$20,000 with the authority.~~

33 The authority shall return the vehicle to its registered owner when the
34 owner meets the requirements of this subsection and pays all costs of
35 impoundment.

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

44 **Sec. 37.** NRS 706.756 is hereby amended to read as follows:

45 706.756 1. Except as otherwise provided in subsection 2, any person
46 who:

47 *(a) Operates a vehicle or causes it to be operated in any carriage to*
48 *which the provisions of NRS 706.011 to 706.861, inclusive, and sections 2*



* S B 5 7 6 R 1 *

- 1 *to 24, inclusive, of this act* apply without first obtaining a ~~certificate,~~
2 *driver's* permit or license, or in violation of the terms thereof;
- 3 (b) Fails to make any return or report required by the provisions of NRS
4 706.011 to 706.861, inclusive, *and sections 2 to 24, inclusive, of this act,*
5 or by the authority or the department pursuant to the provisions of NRS
6 706.011 to 706.861, inclusive ~~to~~, *and sections 2 to 24, inclusive, of this*
7 *act;*
- 8 (c) Violates, or procures, aids or abets the violating of, any provision of
9 NRS 706.011 to 706.861, inclusive ~~to~~, *and sections 2 to 24, inclusive, of*
10 *this act;*
- 11 (d) Fails to obey any order, decision or regulation of the authority or the
12 department;
- 13 (e) Procures, aids or abets any person in his failure to obey such an
14 order, decision or regulation of the authority or the department;
- 15 (f) Advertises, solicits, proffers bids or otherwise holds himself out to
16 perform transportation as a common or contract carrier in violation of any
17 of the provisions of NRS 706.011 to 706.861, inclusive ~~to~~, *and sections 2*
18 *to 24, inclusive, of this act;*
- 19 (g) Advertises as providing:
20 (1) The services of a fully regulated carrier; or
21 (2) Towing services,
22 without including the number of his certificate of public convenience and
23 necessity or contract carrier's permit in each advertisement;
- 24 (h) Knowingly offers, gives, solicits or accepts any rebate, concession
25 or discrimination in violation of the provisions of this chapter;
- 26 (i) Knowingly, willfully and fraudulently seeks to evade or defeat the
27 purposes of this chapter;
- 28 (j) Operates or causes to be operated a vehicle which does not have the
29 proper identifying device;
- 30 (k) Displays or causes or permits to be displayed a certificate, permit,
31 license or identifying device, knowing it to be fictitious or to have been
32 canceled, revoked, suspended or altered;
- 33 (l) Lends or knowingly permits the use of by one not entitled thereto
34 any certificate, permit, license or identifying device issued to the person so
35 lending or permitting the use thereof; ~~to~~
- 36 (m) Refuses or fails to surrender to the authority or *the* department any
37 certificate, permit, license or identifying device which has been suspended,
38 canceled or revoked pursuant to the provisions of this chapter ~~to~~; *or*
- 39 *(n) Knowingly makes or causes to be made, either directly or*
40 *indirectly, a false statement on an application, account or other*
41 *statement required by the authority or who violates any provision of*
42 *sections 2 to 24, inclusive, of this act,*
43 is guilty of a misdemeanor, and upon conviction thereof shall be punished
44 by a fine of not less than \$100 nor more than \$1,000, or by imprisonment
45 in the county jail for not more than 6 months, or by both fine and
46 imprisonment.
- 47 2. A person convicted of a *gross* misdemeanor for a violation of the
48 provisions of NRS 706.386 or 706.421 shall be punished:



* S B 5 7 6 R 1 *

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

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

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

7 3. Any person who operates or permits the operation of a vehicle in
8 passenger service without a certificate of public convenience and necessity
9 issued pursuant to NRS 706.391 is guilty of a gross misdemeanor. If a law
10 enforcement officer witnesses a violation of this subsection, he may cause
11 the vehicle to be towed immediately from the scene ~~[;]~~ **and impounded in**
12 **accordance with NRS 706.476.**

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

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

17 **6. A conviction of a person pursuant to this section does not bar the**
18 **authority from suspending or revoking any certificate, license or permit**
19 **of the person so convicted. The imposition of a fine or the suspension or**
20 **revocation of a certificate, license or permit by the authority pursuant to**
21 **NRS 706.011 to 706.791, inclusive, and sections 2 to 24, inclusive, of this**
22 **act does not operate as a defense in any proceeding held pursuant to this**
23 **section.**

24 **Sec. 38.** 1. On or before July 1, 2002, in each county whose
25 population is 400,000 or more, the transportation services authority shall
26 adopt the regulations required pursuant to subsection 6 of section 22 of this
27 act after considering all information that is relevant to traditional
28 limousines and livery limousines and without considering conditions
29 relating to taxicab motor carriers.

30 2. Unless otherwise authorized by the terms of a certificate of public
31 convenience and necessity issued to the fully regulated carrier of
32 passengers on or before the effective date of this section, a fully regulated
33 carrier of passengers shall not, before the effective date of those
34 regulations, increase the number of traditional limousines or livery
35 limousines that it operates in a county whose population is 400,000 or
36 more.

37 3. As used in this section:

38 (a) "Fully regulated carrier of passengers" has the meaning ascribed to
39 it in section 4 of this act.

40 (b) "Livery limousine" has the meaning ascribed to it in section 5 of this
41 act.

42 (c) "Taxicab motor carrier" has the meaning ascribed to it in NRS
43 706.126.

44 (d) "Traditional limousine" has the meaning ascribed to it in section 6
45 of this act.

46 **Sec. 39.** The amendatory provisions of this act do not apply to
47 offenses committed before the effective date of this act.

48 **Sec. 40.** 1. This section and sections 1 to 23, inclusive, and 25 to 39,
49 inclusive, of this act become effective upon passage and approval.



1 2. Section 24 of this act becomes effective on July 1, 2001.

2 3. The provisions of sections 9 and 10 of this act expire by limitation
3 on the date on which the provisions of 42 U.S.C. § 666 requiring each state
4 to establish procedures under which the state has authority to withhold or
5 suspend, or to restrict the use of professional, occupational and recreational
6 licenses of persons who:

7 (a) Have failed to comply with a subpoena or warrant relating to a
8 procedure to determine the paternity of a child or to establish or enforce an
9 obligation for the support of a child; or

10 (b) Are in arrears in the payment for the support of one or more
11 children,

12 are repealed by the Congress of the United States.

