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SENATE BILL 192

Makes various changes to provisions governing certain motor carriers and drivers.

Sponsored by: Senate Transportation

Dates Heard: April 29, 2003—NACT
May 6, 2003—NACT

Discussion

The measure defines a "driver of a fully regulated carrier of passengers" to include persons employed by a fully regulated carrier of passengers, certain independent contractors, and certain taxicab lessees. The measure specifies that the term does not include a person who drives a vehicle of a carrier whose certificate is limited to providing charter service by bus. The measure further defines a fully regulated carrier of passengers to include a carrier of passengers that is required to obtain from the Transportation Services Authority, a certificate of public convenience and necessity. This term includes a carrier that operates a taxicab or limousine, and excludes carriers whose certificate is limited to providing charter service by bus. In addition, the bill defines "limousine."

The bill imposes a fee of not more than \$200 per year, to be paid to the Authority, for each vehicle that the Authority has authorized a fully regulated carrier of passengers to operate. Taxicab motor carriers or operators of a tow car are exempt from this requirement. However, the measure increases the fee required to operate a tow truck from \$36 to \$75.

Senate Bill 192 authorizes the Authority to issue a one-year driver's permit and specifies the requirements for the issuance of such a permit. The requirements include authorization to obtain a criminal background check and proof of a valid and appropriate license. The measure specifies that the member or Deputy of the Authority may refuse to issue a driver's permit to an applicant if the applicant has been convicted of a felony (other than a sexual offense) within the five years immediately preceding the date of application. Further, the Authority may refuse to issue a driver's permit to an applicant, if the applicant has been convicted of a felony involving any sexual offense at any time prior to the date of application. Additionally, the Authority may refuse to issue a driver's permit to an applicant, if they have been convicted of a violation of the laws relating to driving under the influence of alcohol or a controlled or prohibited substance, within the last three years. Additionally, the Authority may refuse to issue a driver's permit to an applicant who has been convicted of an offense involving moral turpitude. The measure prohibits a fully regulated carrier of passengers from employing or entering into a lease with a person, unless the person has a valid driver's license and driver's permit issued by the Authority.

The measure authorizes the Authority to collect a fee of \$50 for issuance of an original driver's permit, and a fee of \$50 for the renewal of a driver's permit. Additionally, the application for

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the issuance of a driver's permit requires the applicant to submit their Social Security number and the statement required by the Welfare Division relating to the payment of child support. Furthermore, the statement is required to be submitted upon renewal. The measure prohibits the Authority from issuing or renewing a driver's permit if the applicant does not provide the form, or if the form indicates the applicant is not in compliance with a court order or a plan approved by the District Attorney for the support of a child. The bill further outlines the actions to be taken by the Authority if an order is received pursuant to the statute governing court orders for the payment of child support, which requires the suspension of certain licenses, certificates, and permits.

Senate Bill 192 prohibits a fully regulated carrier of passengers to employ or enter into a lease with a person, unless the person submits a physician's certificate. The certificate must be signed and dated by a physician and must indicate that the person meets certain health requirements outlined according to the federal regulations. The measure further indicates that such a certificate expires after two years and may be renewed.

The measure revises the fees that may be charged for filing of certain documents by the Authority and revises certain provisions relating to disciplinary action. In addition, the measure provides for the recovery of attorney's fees and court costs by persons aggrieved by actions of the Authority if the court determines that the Authority exceeded its statutory authority or that the action of the Authority was capricious, arbitrary, or an abuse of discretion. The measure further prohibits the Authority from taking certain disciplinary actions if the action would be a violation of federal law.

In addition, the bill requires persons applying for the issuance of a driver's permit with the Taxicab Authority to submit their Social Security number and the statement required by the Welfare Division relating to the payment of child support. The measure also provides certain restrictions with regard to the issuance or renewal of a permit from the Taxicab Authority if the applicant does not provide the form or if the form indicates the applicant does not comply with a court order or a plan approved by the District Attorney for the support of a child. The bill further outlines the actions to be taken by the Taxicab Authority if an order is received pursuant to the statute governing court orders for failure to pay child support, which requires the suspension of certain licenses, certificates, and permits.

The bill revises impound provisions granted to the Authority, to include the ability to impound certain vehicles used for the transportation of property, under certain circumstances. Current law authorizes the Authority to impound certain vehicles used to transport passengers, exclusively.