

SENATE BILL NO. 192—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE TRANSPORTATION
SERVICES AUTHORITY)

FEBRUARY 21, 2003

Referred to Committee on Transportation

SUMMARY—Makes various changes to provisions governing
certain motor carriers and drivers. (BDR 58-537)

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

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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; revising provisions governing the regulation of certain motor carriers and drivers; imposing an annual fee upon certain motor carriers; requiring drivers of certain motor carriers to obtain a driver's permit from the Transportation Services Authority; imposing a fee for the issuance and renewal of such a permit; increasing certain filing fees; prohibiting persons who do not hold a certificate of public convenience and necessity or contract carrier's permit from advertising as a fully regulated carrier; authorizing the disconnection or switching of telephone, beeper and paging numbers included in such advertising; prohibiting discriminatory conduct by certain motor carriers and drivers; revising provisions relating to certificates of public convenience and necessity and permits; increasing the annual fee to operate a tow car; revising provisions governing the impoundment of certain vehicles; revising provisions relating to driver's permits issued by the Taxicab Authority; revising provisions administered by the Taxicab Authority; providing penalties; and providing other matters properly relating thereto.



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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
2 thereto the provisions set forth as sections 2 to 13, inclusive, of this
3 act.

4 **Sec. 2. 1.** *“Driver of a fully regulated carrier of*
5 *passengers” means a person who:*

6 *(a) Is employed to drive a vehicle of a fully regulated carrier of*
7 *passengers; or*

8 *(b) Is an independent contractor and is authorized to lease and*
9 *drive a vehicle of a fully regulated carrier of passengers pursuant*
10 *to NRS 706.011 to 706.791, inclusive, and sections 2 to 11,*
11 *inclusive, of this act, and the regulations adopted pursuant*
12 *thereto.*

13 2. *The term includes, without limitation, a person who is the*
14 *lessee of a taxicab pursuant to NRS 706.473.*

15 3. *The term does not include a person who drives:*

16 *(a) A vehicle of a carrier whose certificate is limited to*
17 *providing charter service by bus; or*

18 *(b) A vehicle used by a transportation service for disabled*
19 *persons if the person is certified as an emergency medical*
20 *technician pursuant to chapter 450B of NRS.*

21 **Sec. 3. 1.** *“Fully regulated carrier of passengers” means a*
22 *common motor carrier of passengers or contract motor carrier of*
23 *passengers that is required to obtain from the Authority a*
24 *certificate of public convenience and necessity, except for a carrier*
25 *whose certificate is limited to providing charter service by bus.*

26 2. *The term includes, without limitation, a carrier that*
27 *operates a taxicab or limousine.*

28 **Sec. 4.** *“Limousine” includes, without limitation, a*
29 *traditional limousine and a livery limousine.*

30 **Sec. 5. 1.** *A fully regulated carrier shall pay to the*
31 *Authority:*

32 *(a) A fee of \$100 on July 1, 2003;*

33 *(b) A fee of \$50 on January 1, 2004; and*

34 *(c) Beginning on July 1, 2004, and on July 1 of each year*
35 *thereafter, a fee of not more than \$200,*
36 *for each motor vehicle that the Authority has authorized the*
37 *carrier to operate.*

38 2. *The provisions of this section do not apply to:*

39 *(a) A taxicab motor carrier;*

40 *(b) An operator of a tow car; or*

41 *(c) An operator of a transportation service for disabled persons*
42 *with respect to those motor vehicles that are driven by persons who*



1 *are certified as emergency medical technicians pursuant to*
2 *chapter 450B of NRS.*

3 **Sec. 5.5.** 1. *It is unlawful for any person to advertise*
4 *services for which a certificate of public convenience and necessity*
5 *or a contract carrier's permit is required pursuant to NRS 706.011*
6 *to 706.791, inclusive, and sections 2 to 11, inclusive, of this act,*
7 *unless the person has been issued such a certificate or permit.*

8 2. *If, after notice and a hearing, the Authority determines*
9 *that a person has engaged in advertising in a manner that violates*
10 *the provisions of this section, the Authority may, in addition to any*
11 *penalty, punishment or disciplinary action authorized by the*
12 *provisions of NRS 706.011 to 706.791, inclusive, and sections 2 to*
13 *11, inclusive, of this act, issue an order to the person to cease and*
14 *desist the unlawful advertising and to:*

15 (a) *Cause any telephone number included in the advertising,*
16 *other than a telephone number to a provider of paging services, to*
17 *be disconnected.*

18 (b) *Request the provider of paging services to change the*
19 *number of any beeper which is included in the advertising or*
20 *disconnect the paging services to such a beeper, and to inform the*
21 *provider of paging services that the request is made pursuant to*
22 *this section.*

23 3. *If a person fails to comply with paragraph (a) of subsection*
24 *2 within 5 days after the date that he receives an order pursuant to*
25 *subsection 2, the Authority may request the Commission to order*
26 *the appropriate provider of telephone service to disconnect any*
27 *telephone number included in the advertisement, except for a*
28 *telephone number to a provider of paging services. If a person*
29 *fails to comply with paragraph (b) of subsection 2 within 5 days*
30 *after the date he receives an order pursuant to subsection 2, the*
31 *Authority may request the provider of paging services to switch*
32 *the beeper number or disconnect the paging services provided to*
33 *the person, whichever the provider deems appropriate.*

34 4. *If the provider of paging services receives a request from a*
35 *person pursuant to subsection 2 or a request from the Authority*
36 *pursuant to subsection 3, it shall:*

37 (a) *Disconnect the paging service to the person; or*

38 (b) *Switch the beeper number of the paging service provided to*
39 *the person.*

40 *If the provider of paging services elects to switch the number*
41 *pursuant to paragraph (b), the provider shall not forward or offer*
42 *to forward the paging calls from the previous number, or provide*
43 *or offer to provide a recorded message that includes the new*
44 *beeper number.*

45 5. *As used in this section:*



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1 (a) "Advertising" includes, but is not limited to, the issuance of
2 any sign, card or device, or the permitting or allowing of any sign
3 or marking on a motor vehicle, in any building, structure,
4 newspaper, magazine or airway transmission, on the Internet or in
5 any directory under the listing of "fully regulated carrier" with or
6 without any limiting qualifications.

7 (b) "Beeper" means a portable electronic device which is used
8 to page the person carrying it by emitting an audible or a vibrating
9 signal when the device receives a special radio signal.

10 (c) "Provider of paging services" means an entity, other than a
11 public utility, that provides paging service to a beeper.

12 (d) "Provider of telephone service" has the meaning ascribed
13 to it in NRS 707.355.

14 **Sec. 6.** 1. A member or the Deputy of the Authority shall
15 issue a driver's permit to each qualified person who wishes to be a
16 driver of a fully regulated carrier of passengers and who complies
17 with the requirements for the issuance of a driver's permit.

18 2. Before a member or the Deputy of the Authority may issue
19 a driver's permit to an applicant, the member or Deputy shall:

20 (a) Require the applicant to submit a complete set of his
21 fingerprints and written permission authorizing the Authority to
22 forward the fingerprints to the Central Repository for Nevada
23 Records of Criminal History for submission to the Federal Bureau
24 of Investigation to ascertain whether the applicant has a criminal
25 record and the nature of any such record, and shall further
26 investigate the applicant's background; and

27 (b) Require proof that:

28 (1) If the applicant is a resident of this state, the applicant
29 has a valid and appropriate license issued pursuant to NRS
30 483.340 which authorizes the applicant to drive in this state the
31 vehicle that he will be driving for the fully regulated carrier of
32 passengers; and

33 (2) If the applicant is a resident of a state other than
34 Nevada and his residence is located within 50 miles of the
35 boundary of this state, require proof that the applicant has a valid
36 and appropriate license issued by his state of residence which
37 authorizes the applicant to drive the vehicle that he will be driving
38 in this state for the fully regulated carrier of passengers. The
39 Authority may require such an applicant to provide proof
40 satisfactory to the Authority that the applicant is a resident of a
41 state other than Nevada and his residence is located within 50
42 miles of the boundary of this state.

43 3. A member or the Deputy of the Authority may refuse to
44 issue a driver's permit to an applicant if the applicant has been
45 convicted of:



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- 1 (a) A felony, other than a sexual offense, in this state or any
2 other jurisdiction within the 5 years immediately preceding the
3 date on which he filed his application;
4 (b) A felony involving any sexual offense in this state or any
5 other jurisdiction at any time before the date on which he filed his
6 application; or
7 (c) A violation of NRS 484.379 or 484.3795, or a law in
8 another jurisdiction that prohibits the same or similar conduct,
9 within the 3 years immediately preceding the date on which he
10 filed his application.
- 11 4. A member or the Deputy of the Authority may refuse to
12 issue a driver's permit to an applicant who has been convicted of
13 an offense involving moral turpitude.
- 14 5. A driver's permit issued pursuant to this section is valid for
15 1 year and may be renewed.
- 16 6. A person must pay to the Authority:
17 (a) A fee of \$50 for the issuance of an original driver's permit.
18 (b) A fee of \$50 for the renewal of a driver's permit.
- 19 **Sec. 7. 1.** In addition to any other requirements, a person
20 who applies for the issuance or renewal of a driver's permit shall
21 submit to the Authority:
22 (a) In any application for issuance of a driver's permit, the
23 social security number of the applicant and the statement
24 prescribed by the Welfare Division of the Department of Human
25 Resources pursuant to NRS 425.520. The statement must be
26 completed and signed by the applicant.
27 (b) In any application for renewal of a driver's permit, the
28 statement prescribed by the Welfare Division of the Department of
29 Human Resources pursuant to NRS 425.520. The statement must
30 be completed and signed by the applicant.
- 31 2. The Authority shall include the statement required
32 pursuant to subsection 1 in:
33 (a) The application or any other forms that must be submitted
34 for the issuance or renewal of the driver's permit; or
35 (b) A separate form prescribed by the Authority.
- 36 3. The Authority shall not issue or renew a driver's permit if
37 the applicant:
38 (a) Fails to submit the statement required pursuant to
39 subsection 1; or
40 (b) Indicates on the statement submitted pursuant to
41 subsection 1 that he is subject to a court order for the support of a
42 child and is not in compliance with the order or a plan approved
43 by the district attorney or other public agency enforcing the order
44 for the repayment of the amount owed pursuant to the order.



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1 4. *If an applicant indicates on the statement submitted*
2 *pursuant to subsection 1 that he is subject to a court order for the*
3 *support of a child and is not in compliance with the order or a*
4 *plan approved by the district attorney or other public agency*
5 *enforcing the order for the repayment of the amount owed*
6 *pursuant to the order, the Authority shall advise the applicant to*
7 *contact the district attorney or other public agency enforcing the*
8 *order to determine the actions that the applicant may take to*
9 *satisfy the arrearage.*

10 **Sec. 8.** 1. *If the Authority receives a copy of a court order*
11 *issued pursuant to NRS 425.540 that provides for the suspension*
12 *of all professional, occupational and recreational licenses,*
13 *certificates and permits issued to a person who is the holder of a*
14 *driver's permit, the Authority shall deem the driver's permit issued*
15 *to that person to be suspended at the end of the 30th day after the*
16 *date on which the court order was issued unless the Authority*
17 *receives a letter issued to the holder of the driver's permit by the*
18 *district attorney or other public agency pursuant to NRS 425.550*
19 *stating that the holder of the driver's permit has complied with the*
20 *subpoena or warrant or has satisfied the arrearage pursuant to*
21 *NRS 425.560.*

22 2. *The Authority shall reinstate a driver's permit that has*
23 *been suspended by a district court pursuant to NRS 425.540 if the*
24 *Authority receives a letter issued by the district attorney or other*
25 *public agency pursuant to NRS 425.550 to the person whose*
26 *driver's permit was suspended stating that the person whose*
27 *driver's permit was suspended has complied with the subpoena or*
28 *warrant or has satisfied the arrearage pursuant to NRS 425.560.*

29 **Sec. 9.** 1. *A fully regulated carrier of passengers shall not*
30 *accept an application for employment from or enter into a lease*
31 *with a person who wishes to be a driver of the fully regulated*
32 *carrier of passengers unless the person submits to the carrier a*
33 *physician's certificate which complies with the provisions of this*
34 *section and which is issued by a physician who is licensed to*
35 *practice medicine in this state or who holds a license to practice*
36 *medicine issued by any other state.*

37 2. *A physician shall issue a physician's certificate and two*
38 *copies thereof to a person who wishes to be a driver of a fully*
39 *regulated carrier of passengers if the physician finds that the*
40 *person meets the applicable health requirements established by the*
41 *Federal Motor Carrier Safety Regulations, 49 C.F.R. §§ 391.41 et*
42 *seq.*

43 3. *A physician's certificate that is issued pursuant to this*
44 *section must:*



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1 (a) State that the physician has examined the person and has
2 found that the person meets the applicable health requirements
3 established by the Federal Motor Carrier Safety Regulations, 49
4 C.F.R. §§ 391.41 et seq.; and

5 (b) Be signed and dated by the physician issuing the
6 certificate.

7 4. A physician's certificate that is issued pursuant to this
8 section expires 2 years after the date on which it was issued and
9 may be renewed.

10 **Sec. 10. 1.** A fully regulated carrier of passengers shall not
11 employ, enter into a lease with, or require or allow a person to be a
12 driver of the fully regulated carrier of passengers and a person
13 shall not operate as a driver of a fully regulated carrier of
14 passengers unless:

15 (a) The person has obtained and has on his person:

16 (1) A driver's license issued to the person by:

17 (I) This state pursuant to NRS 483.010 to 483.630,
18 inclusive; or

19 (II) If the person is a resident of a state other than
20 Nevada and his residence is located within 50 miles of the
21 boundary of this state, by the state in which the person is a
22 resident;

23 (2) A driver's permit issued to the person by a member or
24 the Deputy of the Authority pursuant to section 6 of this act; and

25 (3) A copy of the physician's certificate issued to the person
26 by a physician pursuant to section 9 of this act; and

27 (b) If the person intends to operate as a driver of a taxicab
28 motor carrier, the person has met any additional qualifications
29 that have been established by ordinance pursuant to NRS 268.097.

30 2. At the time that a fully regulated carrier of passengers
31 employs or enters into a lease with a person to be a driver of the
32 fully regulated carrier of passengers, the carrier shall:

33 (a) Provide the person with a complete copy of NRS 706.011 to
34 706.791, inclusive, and sections 2 to 11, inclusive, of this act, and
35 any regulations adopted pursuant thereto; and

36 (b) Require the person to sign a statement acknowledging that
37 he has received a complete copy of NRS 706.011 to 706.791,
38 inclusive, and sections 2 to 11, inclusive, of this act, and any
39 regulations adopted pursuant thereto, and has read and
40 familiarized himself with the provisions included therein.

41 **Sec. 11.** (Deleted by amendment.)

42 **Sec. 12. 1.** In addition to any other requirements, a person
43 who applies for the issuance or renewal of a driver's permit shall
44 submit to the Administrator:



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1 (a) In any application for issuance of a driver's permit, the
2 social security number of the applicant and the statement
3 prescribed by the Welfare Division of the Department of Human
4 Resources pursuant to NRS 425.520. The statement must be
5 completed and signed by the applicant.

6 (b) In any application for renewal of a driver's permit, the
7 statement prescribed by the Welfare Division of the Department of
8 Human Resources pursuant to NRS 425.520. The statement must
9 be completed and signed by the applicant.

10 2. The Administrator shall include the statement required
11 pursuant to subsection 1 in:

12 (a) The application or any other forms that must be submitted
13 for the issuance or renewal of the driver's permit; or

14 (b) A separate form prescribed by the Administrator.

15 3. The Administrator shall not issue or renew a driver's
16 permit if the applicant:

17 (a) Fails to submit the statement required pursuant to
18 subsection 1; or

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

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

33 **Sec. 13.** 1. If the Administrator receives a copy of a court
34 order issued pursuant to NRS 425.540 that provides for the
35 suspension of all professional, occupational and recreational
36 licenses, certificates and permits issued to a person who is the
37 holder of a driver's permit, the Administrator shall deem the
38 driver's permit issued to that person to be suspended at the end of
39 the 30th day after the date on which the court order was issued
40 unless the Administrator receives a letter issued to the holder of
41 the driver's permit by the district attorney or other public agency
42 pursuant to NRS 425.550 stating that the holder of the driver's
43 permit has complied with the subpoena or warrant or has satisfied
44 the arrearage pursuant to NRS 425.560.



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

8 **Sec. 14.** NRS 706.011 is hereby amended to read as follows:

9 706.011 As used in NRS 706.011 to 706.791, inclusive, *and*
10 *sections 2 to 11, inclusive, of this act*, unless the context otherwise
11 requires, the words and terms defined in NRS 706.013 to 706.146,
12 inclusive, *and sections 2, 3 and 4 of this act* have the meanings
13 ascribed to them in those sections.

14 **Sec. 15.** NRS 706.168 is hereby amended to read as follows:

15 706.168 *1.* The authority of the Transportation Services
16 Authority to supervise and regulate ~~motor~~ carriers, *drivers* and
17 brokers respectively, to the extent provided in this chapter, must be
18 exercised separately. A ~~motor~~ carrier is responsible only for his
19 own acts and ~~those of his employees or agents who are not~~
20 ~~brokers.~~ *for any acts that the carrier knowingly required or*
21 *allowed a driver, employee, agent or broker to perform.* A broker is
22 responsible only for his own acts and ~~those of his employees or~~
23 ~~agents who are not motor carriers.~~ *for any acts that the broker*
24 *knowingly required or allowed an employee or agent to perform.*

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

29 **Sec. 16.** NRS 706.197 is hereby amended to read as follows:

30 706.197 1. ~~The~~ *Except as otherwise provided in this*
31 *section, the* Authority may *charge and* collect fees *for any*
32 *application or* for the filing of any official document required by
33 this chapter or by a regulation of the Authority.

34 2. Filing fees may not exceed:

35 (a) For applications, \$200.

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

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

40 (d) For all other documents that require public notice, ~~[\$10.]~~
41 *\$75.*

42 3. If an application or other document is rejected by the
43 Authority because it is inadequate or inappropriate, the *application*
44 *fee or* filing fee must be returned.



1 4. The Authority may not charge *or collect* any fee for *the*
2 filing *of* a complaint.

3 **Sec. 17.** NRS 706.2885 is hereby amended to read as follows:
4 706.2885 1. A certificate of public convenience and
5 necessity, permit or license issued in accordance with this chapter is
6 not a franchise and may be revoked.

7 2. ~~[The Authority may at any time, for good cause shown,]~~
8 *Except as otherwise provided in this section and NRS 706.398,*
9 after investigation and hearing and upon 5 days' written notice to
10 the ~~[grantee, suspend any]~~ *holder of a certificate, permit or license*
11 *issued pursuant to NRS 706.011 to 706.791, inclusive, and*
12 *sections 2 to 11, inclusive, of this act, the Authority may:*

13 (a) *Suspend, for good cause shown, the holder's* certificate,
14 permit or license ~~[issued in accordance with the provisions of NRS~~
15 ~~706.011 to 706.791, inclusive,]~~ for a period not to exceed 60 days.

16 ~~[3. Upon receipt of a written complaint or on its own motion,~~
17 ~~the Authority may, after investigation and hearing, revoke any]~~

18 (b) *Revoke the holder's* certificate, permit or license ~~[If~~
19 ~~service]~~ *if the holder has:*

20 (1) *Violated any provision of NRS 706.011 to 706.791,*
21 *inclusive, and sections 2 to 11, inclusive, of this act or any*
22 *regulation adopted pursuant thereto; or*

23 (2) *Knowingly required or allowed any driver, employee,*
24 *agent or broker of the holder to violate any provision of NRS*
25 *706.011 to 706.791, inclusive, and sections 2 to 11, inclusive, of*
26 *this act or any regulation adopted pursuant thereto.*

27 3. *The Authority may, without a hearing, suspend or revoke*
28 *the holder's certificate, permit or license and impose any other*
29 *penalties authorized by NRS 706.011 to 706.791, inclusive, and*
30 *sections 2 to 11, inclusive, of this act if:*

31 (a) *Service* of the notice required by subsection 2 cannot be
32 made ~~[or if the grantee]~~ ;

33 (b) *The holder waives the right to a hearing; or*

34 (c) *The holder* relinquishes his interest in the certificate, permit
35 or license by so notifying the Authority in writing . ~~[, the Authority~~
36 ~~may revoke the certificate, permit or license without a hearing.~~

37 ~~—4. The proceedings thereafter are governed by]~~

38 4. *If the holder of a certificate, permit or license fails to*
39 *appear at the time and place set forth in the notice for any*
40 *hearing, the Authority shall enter a finding of default. Upon the*
41 *entering of a finding of default, the Authority may suspend or*
42 *revoke the holder's certificate, permit or license and impose any*
43 *other penalties authorized by NRS 706.011 to 706.791, inclusive,*
44 *and sections 2 to 11, inclusive, of this act. For good cause shown,*



1 *the Authority may set aside a finding of default entered pursuant*
2 *to this subsection and proceed with a hearing on the matter.*

3 *5. If the Authority suspends or revokes a certificate, permit or*
4 *license or imposes any other penalties authorized by NRS 706.011*
5 *to 706.791, inclusive, and sections 2 to 11, inclusive, of this act,*
6 *the person aggrieved by the decision of the Authority may seek*
7 *judicial review pursuant to* the provisions of chapter 233B of NRS.

8 **Sec. 18.** NRS 706.361 is hereby amended to read as follows:

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

14 2. A common motor carrier of passengers, a contract motor
15 carrier of passengers and *any* other ~~{entities}~~ *entity* providing *a*
16 means of public conveyance and transportation *operating within*
17 *this state* shall designate a person responsible for ensuring that the
18 carrier *or entity* complies with the applicable provisions of the
19 Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 to
20 12213, inclusive, and 47 U.S.C. §§ 225 and 611, and the regulations
21 adopted pursuant to that act.

22 3. The person designated pursuant to subsection 2 shall
23 conduct training sessions for the employees of the carrier or entity
24 ~~{}~~ *and for the independent contractors who are drivers of the*
25 *carrier or entity.* Each *such* employee *and independent contractor*
26 must be provided at least 3 hours of training during one or more
27 training sessions. *The training must be completed not later than 3*
28 *months after the employee begins his employment with the carrier*
29 *or entity or the independent contractor begins driving for the*
30 *carrier or entity.* During the training sessions, the designee shall:

31 (a) Describe the ~~{carrier's}~~ plan *of the carrier or entity* for
32 compliance with the Americans with Disabilities Act of 1990 and
33 the regulations adopted pursuant to that act;

34 (b) Explain the obligations of the employees *and independent*
35 *contractors* to assist a person with a disability to store a mobility
36 device;

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

39 (d) Ensure that each employee *and independent contractor* is
40 trained in accordance with the requirements of 49 C.F.R. § 37.173.

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

43 5. It is unlawful for any common motor carrier ~~{}~~ *of*
44 *passengers*, contract motor carrier *of passengers* or other entity



1 providing a means of public conveyance or transportation operating
2 within this state, to:

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

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

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

10 6. *It is unlawful for a driver of any common motor carrier of*
11 *passengers, contract motor carrier of passengers or other entity*
12 *providing a means of public conveyance or transportation*
13 *operating within this state, to:*

14 (a) *Deny the equal enjoyment of the services and facilities of*
15 *the driver, carrier or entity to a person with a disability by the*
16 *arbitrary, capricious or unreasonable interference, direct or*
17 *indirect, with the use of aids and appliances used by a person with*
18 *a disability; or*

19 (b) *Fail to complete the training sessions in the manner*
20 *described in subsection 3.*

21 7. As used in this section, "disability" has the meaning ascribed
22 to it in 49 C.F.R. § 37.3.

23 **Sec. 19.** NRS 706.366 is hereby amended to read as follows:

24 706.366 1. It is unlawful for ~~any~~ *any* common motor carrier of
25 passengers, *contract motor carrier of passengers* or other *entity*
26 *providing a* means of public conveyance or transportation operating
27 ~~within~~ *this state, or for a driver of such a carrier or entity, to:*

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

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

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

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

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

43 4. ~~For the purposes of~~ *As used in* this section, the terms
44 "guide dog," "hearing dog," "helping dog" and "service animal"



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1 have the meanings ascribed to them respectively in NRS 426.075,
2 426.081, 426.083 and 426.097.

3 **Sec. 20.** NRS 706.386 is hereby amended to read as follows:
4 706.386 ~~It is unlawful, except~~ *Except* as otherwise provided
5 in NRS 373.117, 706.446, 706.453 and 706.745, *it is unlawful* for
6 any *person to operate as a* fully regulated common motor carrier ~~to~~
7 ~~operate as a carrier of~~ *within this state in* intrastate commerce ~~and~~
8 *or for* any operator of a tow car to perform towing services within
9 this state without first obtaining a certificate of public convenience
10 and necessity from the Authority.

11 **Sec. 21.** NRS 706.391 is hereby amended to read as follows:

12 706.391 1. Upon the filing of an application for a certificate
13 of public convenience and necessity to operate as a *common* motor
14 carrier, other than an operator of a tow car, *or an application for*
15 *modification of such a certificate*, the Authority shall fix a time and
16 place for a hearing ~~thereon.~~ *on the application.*

17 2. The Authority shall ~~issue such a~~ *grant the* certificate *or*
18 *modification* if it finds that:

19 (a) The applicant is *financially and operationally* fit, willing
20 and able to perform the services of a common motor carrier ~~and~~
21 *that the operation of, and the provision of such services by, the*
22 *applicant as a common motor carrier will foster sound economic*
23 *conditions within the applicable industry;*

24 (b) The proposed operation *or the proposed modification* will
25 be consistent with the legislative policies set forth in NRS 706.151;

26 (c) The granting of the certificate *or modification* will not
27 unreasonably and adversely affect other carriers operating in the
28 territory for which the certificate *or modification* is sought; ~~and~~

29 (d) The proposed ~~service~~ *operation or the proposed*
30 *modification* will benefit *and protect the safety and convenience of*
31 the traveling and shipping public and the motor carrier business in
32 this state ~~and~~;

33 (e) *The proposed operation, or service under the proposed*
34 *modification, will be provided on a continuous basis;*

35 (f) *The market identified by the applicant as the market which*
36 *the applicant intends to serve will support the proposed operation*
37 *or proposed modification; and*

38 (g) *The applicant has paid all fees and costs related to the*
39 *application.*

40 3. The Authority shall not find that the potential creation of
41 competition in a territory which may be caused by the granting of ~~a~~
42 ~~certificate,~~ *the certificate or modification*, by itself, will
43 unreasonably and adversely affect other carriers operating in the
44 territory for the purposes of paragraph (c) of subsection 2.



1 4. ~~[An]~~ *In determining whether the applicant is fit to perform*
2 *the services of a common motor carrier pursuant to paragraph (a)*
3 *of subsection 2, the Authority shall consider whether the applicant*
4 *has violated any provision of chapter 706 of NRS or any*
5 *regulations adopted pursuant thereto.*

6 5. The applicant for ~~[such a certificate has]~~ *the certificate or*
7 *modification:*

8 (a) *Has* the burden of proving to the Authority that the proposed
9 operation *or the proposed modification* will meet the requirements
10 of subsection 2 ~~[~~

11 ~~—5—~~; and

12 (b) *Must pay the amounts billed to the applicant by the*
13 *Authority for the costs incurred by the Authority in conducting*
14 *any investigation regarding the applicant and the application.*

15 6. The Authority may issue *or modify* a certificate of public
16 convenience and necessity to operate as a common motor carrier, or
17 issue *or modify* it for:

18 (a) The exercise of the privilege sought.

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

20 ~~[6.]~~ 7. The Authority may attach to the certificate such terms
21 and conditions as, in its judgment, the public interest may require.

22 ~~[7.]~~ 8. The Authority may dispense with the hearing on the
23 application if, upon the expiration of the time fixed in the notice
24 thereof, no petition to intervene has been filed on behalf of any
25 person who has filed a protest against the granting of the certificate
26 ~~[~~ *or modification.*

27 **Sec. 22.** NRS 706.398 is hereby amended to read as follows:

28 706.398 ~~[The]~~ *In accordance with the procedural*
29 *requirements set forth in NRS 706.2885, the* Authority:

30 1. Shall revoke or suspend ~~[, pursuant to the provisions of this~~
31 ~~chapter,]~~ the certificate of public convenience and necessity of a
32 common motor carrier which has failed to:

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

35 (b) Operate as a carrier of intrastate commerce in this state under
36 the terms and conditions of its certificate,
37 unless the carrier has obtained the prior permission of the Authority.

38 2. May revoke or suspend ~~[, pursuant to the provisions of NRS~~
39 ~~706.2885,]~~ the certificate of public convenience and necessity of a
40 common motor carrier which has ~~[failed to comply with]~~ :

41 (a) *Violated* any provision of ~~[this chapter]~~ *NRS 706.011 to*
42 *706.791, inclusive, and sections 2 to 11, inclusive, of this act* or
43 any regulation ~~[of the Authority]~~ adopted pursuant thereto ~~[~~; or

44 (b) *Knowingly required or allowed any driver, employee, agent*
45 *or broker of the carrier to violate any provision of NRS 706.011 to*



1 *706.791, inclusive, and sections 2 to 11, inclusive, of this act or*
2 *any regulation adopted pursuant thereto.*

3 **Sec. 23.** NRS 706.411 is hereby amended to read as follows:
4 706.411 Every order ~~[refusing or]~~ *of the Authority* granting *or*
5 *refusing to grant* any ~~[certificates]~~ *certificate* of public convenience
6 and necessity ~~[.]~~ or granting or refusing ~~[permission to discontinue,~~
7 ~~modify or restrict service]~~ *to grant any modification of a certificate*
8 *of public convenience and necessity* is prima facie lawful from the
9 date of the order until changed or modified by the order of the
10 Authority pursuant to the provisions of this chapter.

11 **Sec. 24.** NRS 706.421 is hereby amended to read as follows:
12 706.421 It is unlawful for any *person to operate as a* contract
13 motor carrier ~~[to act as such]~~ within this state in intrastate commerce
14 without first ~~[having obtained]~~ *obtaining* a permit ~~[therefor.]~~ *for the*
15 *operation.*

16 **Sec. 25.** NRS 706.436 is hereby amended to read as follows:
17 706.436 Any person who has been denied a permit to ~~[act]~~
18 *operate* as a contract motor carrier after hearing may not file a
19 similar application with the Authority covering the same type of
20 service and over the same route or routes or in the same territory for
21 which the permit was denied except after the expiration of 180 days
22 after the date the permit was denied.

23 **Sec. 26.** NRS 706.4463 is hereby amended to read as follows:
24 706.4463 1. In addition to the other requirements of this
25 chapter, each operator of a tow car shall, to protect the health, safety
26 and welfare of the public:

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

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

34 (c) Comply with the provisions of NRS 706.011 to 706.791,
35 inclusive ~~[.]~~, *and sections 2 to 11, inclusive, of this act.*

36 2. A person who wishes to obtain a certificate of public
37 convenience and necessity to operate a tow car *or to modify such a*
38 *certificate* must file an application with the Authority.

39 3. The Authority shall ~~[issue a certificate of public convenience~~
40 ~~and necessity to an operator of a tow car]~~ *grant the certificate or*
41 *modification* if it determines that the applicant:

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

44 (b) Complies with the requirements of the regulations adopted
45 by the Authority pursuant to the provisions of this chapter;



1 (c) Has provided evidence that he has filed with the Authority a
2 liability insurance policy, a certificate of insurance or a bond of a
3 surety and bonding company or other surety required for every
4 operator of a tow car pursuant to the provisions of NRS 706.291;
5 ~~{and}~~

6 (d) Has provided evidence that he has filed with the Authority
7 schedules and tariffs pursuant to subsection 2 of NRS 706.321 ~~{~~

8 ~~—4. An} ; and~~

9 (e) *Has paid all fees and costs related to the application.*

10 4. The applicant for ~~{a certificate has}~~ *the certificate or*
11 *modification:*

12 (a) *Has* the burden of proving to the Authority that the proposed
13 operation *or the proposed modification* will meet the requirements
14 of subsection 3 ~~{~~; and

15 (b) *Must pay the amounts billed to the applicant by the*
16 *Authority for the costs incurred by the Authority in conducting*
17 *any investigation regarding the applicant and the application.*

18 5. The Authority may hold a hearing to determine whether ~~{an}~~
19 *the* applicant is entitled to ~~{a}~~ *the* certificate *or modification* only if:

20 (a) Upon the expiration of the time fixed in the notice ~~{that an~~
21 ~~application for a certificate of public convenience and necessity is~~
22 ~~pending.}~~ *of the application*, a petition to intervene has been granted
23 by the Authority; or

24 (b) The Authority finds that after reviewing the information
25 provided by the applicant and inspecting the operations of the
26 applicant, it cannot make a determination as to whether the applicant
27 has complied with the requirements of subsection 3.

28 **Sec. 27.** NRS 706.451 is hereby amended to read as follows:

29 706.451 1. Each owner or operator of a tow car subject to the
30 jurisdiction of the Authority shall, before commencing to operate or
31 continuing operation after July 1, 1971, and annually thereafter, pay
32 to the Authority , for each tow car operated, a fee of not more than
33 ~~{ \$36. }~~ *\$75.*

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

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

41 4. Any person who fails to pay any fee on or before the date
42 provided in this section shall pay a penalty of 10 percent of the
43 amount of the fee plus interest on the amount of the fee at the rate of
44 1 percent per month or fraction of a month from the date the fee is
45 due until the date of payment.



1 **Sec. 28.** NRS 706.476 is hereby amended to read as follows:
2 706.476 Except as otherwise provided in NRS 706.478:
3 1. A vehicle used ~~as a taxicab, limousine or other passenger~~
4 ~~vehicle in passenger service~~ *by any person or entity in this state to*
5 *provide any kind of transportation of passengers or property that*
6 *is subject to the jurisdiction of the Authority* must be impounded
7 by the Authority if a *valid and appropriate* certificate ~~of public~~
8 ~~convenience and necessity~~ *, permit or license* has not been issued
9 authorizing ~~its operation~~ *the operation of the vehicle*. A hearing
10 must be held by the Authority ~~no~~ *not* later than the conclusion of
11 the second normal business day after impoundment, weekends and
12 holidays excluded. As soon as practicable after impoundment, the
13 Authority shall notify the registered owner of the vehicle ~~to~~
14 ~~—(a) That the registered owner of the vehicle must post a bond in~~
15 ~~the amount of \$20,000 to ensure his presence at all proceedings held~~
16 ~~pursuant to this section;~~
17 ~~—(b) Of the~~ *of*:
18 (a) *The* time set for the hearing; and
19 ~~[(c) Of his]~~
20 (b) *His* right to be represented by counsel during all phases of
21 the proceedings.
22 2. The Authority shall hold the vehicle until the registered
23 owner of the vehicle appears and ~~to~~
24 ~~—(a) Proves that he~~ *proves that*:
25 (a) *He* is the registered owner of the vehicle;
26 (b) ~~[(Proves that he)]~~ *He* holds a valid *and appropriate* certificate
27 ~~of public convenience and necessity;~~
28 ~~—(c) Proves that the~~ *, permit or license authorizing the*
29 *operation of the vehicle; and*
30 (c) *The* vehicle meets all required standards of the Authority . ~~to~~
31 ~~and~~
32 ~~—(d) Posts a bond in the amount of \$20,000 with the~~
33 ~~Authority.]~~
34 The Authority shall return the vehicle to its registered owner when
35 the owner meets the requirements of this subsection and pays all
36 costs of impoundment.
37 3. If the registered owner is unable to meet the requirements of
38 paragraph (b) or (c) of subsection 2, the Authority may assess an
39 administrative fine against the registered owner for each such
40 violation in the amount of \$5,000. The maximum amount of the
41 administrative fine that may be assessed against a registered owner
42 for a single impoundment of his vehicle pursuant to this section is
43 \$10,000. The Authority shall return the vehicle after any
44 administrative fine imposed pursuant to this subsection and all costs
45 of impoundment have been paid.



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1 **Sec. 29.** NRS 706.6411 is hereby amended to read as follows:
2 706.6411 1. All motor carriers, other than operators of tow
3 cars, regulated pursuant to NRS 706.011 to 706.791, inclusive, *and*
4 *sections 2 to 11, inclusive, of this act* to whom the certificates,
5 permits and licenses provided by NRS 706.011 to 706.791,
6 inclusive, *and sections 2 to 11, inclusive, of this act* have been
7 issued may transfer them to another carrier, other than an operator
8 of a tow car, qualified pursuant to NRS 706.011 to 706.791,
9 inclusive, *and sections 2 to 11, inclusive, of this act* but no such
10 transfer is valid for any purpose until a joint application to make the
11 transfer has been made to the Authority by the transferor and
12 the transferee, and the Authority has authorized the substitution of
13 the transferee for the transferor. No transfer of stock of a corporate
14 motor carrier subject to the jurisdiction of the Authority is valid
15 without the prior approval of the Authority if the effect of the
16 transfer would be to change the corporate control of the carrier or if
17 a transfer of 15 percent or more of the common stock of the carrier
18 is proposed.
19 2. Except as otherwise provided in subsection 3, the Authority
20 shall fix a time and place for a hearing to be held unless the
21 application is made to transfer the certificate from a natural person
22 or partners to a corporation whose controlling stockholders will be
23 substantially the same person or partners, and may hold a hearing to
24 consider such an application.
25 3. The Authority may also dispense with the hearing on the
26 joint application to transfer if, upon the expiration of the time fixed
27 in the notice thereof, no protest against the transfer of the certificate
28 or permit has been filed by or in behalf of any interested person.
29 4. In determining whether or not the transfer of a certificate of
30 public convenience and necessity or a permit to ~~act~~ *operate* as a
31 contract motor carrier should be authorized, the Authority shall
32 consider:
33 (a) The service which has been performed by the transferor and
34 that which may be performed by the transferee.
35 (b) Other authorized facilities for transportation in the territory
36 for which the transfer is sought.
37 (c) Whether or not the transferee is fit, willing and able to
38 perform the services of a common or contract motor carrier by
39 vehicle and whether or not the proposed operation would be
40 consistent with the legislative policy set forth in NRS 706.151.
41 5. Upon a transfer made pursuant to this section, the Authority
42 may make such amendments, restrictions or modifications in a
43 certificate or permit as the public interest may require.
44 6. No transfer is valid beyond the life of the certificate, permit
45 or license transferred.



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- 1 **Sec. 30.** NRS 706.756 is hereby amended to read as follows:
2 706.756 1. Except as otherwise provided in ~~subsection 2,~~
3 *this section*, any person who:
4 (a) Operates a vehicle or causes it to be operated in any carriage
5 to which the provisions of NRS 706.011 to 706.861, inclusive, *and*
6 *sections 2 to 11, inclusive, of this act* apply without first obtaining
7 ~~any~~ *any* certificate, permit or license ~~required for the operation,~~
8 or in violation of the terms ~~thereof,~~ *of any certificate, permit or*
9 *license required for the operation;*
10 (b) Fails to make any return or report required by the provisions
11 of NRS 706.011 to 706.861, inclusive, *and sections 2 to 11,*
12 *inclusive, of this act*, or by the Authority or the Department
13 pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~;~~,
14 *and sections 2 to 11, inclusive, of this act;*
15 (c) Violates ~~or~~ or procures, aids or abets the ~~violating of,~~
16 *violation of* any provision of NRS 706.011 to 706.861, inclusive ~~;~~
17 *, and sections 2 to 11, inclusive, of this act or any regulation*
18 *adopted pursuant thereto or knowingly requires or allows any*
19 *driver, employee, agent or broker to violate or procure, aid or abet*
20 *the violation of any provision of NRS 706.011 to 706.861,*
21 *inclusive, and sections 2 to 11, inclusive, of this act or any*
22 *regulation adopted pursuant thereto;*
23 (d) Fails to obey any order, decision or regulation of the
24 Authority or the Department;
25 (e) Procures, aids or abets any person in his failure to obey such
26 an order, decision or regulation of the Authority or the Department;
27 (f) Advertises, solicits, proffers bids or otherwise holds himself
28 out to perform transportation as a common or contract *motor* carrier
29 in violation of any of the provisions of NRS 706.011 to 706.861,
30 inclusive ~~;~~, *and sections 2 to 11, inclusive, of this act;*
31 (g) Advertises as providing:
32 (1) The services of a fully regulated carrier; or
33 (2) Towing services,
34 without including the number of his certificate of public
35 convenience and necessity or contract carrier's permit in each
36 advertisement;
37 (h) Knowingly offers, gives, solicits or accepts any rebate,
38 concession or discrimination in violation of the provisions of this
39 chapter;
40 (i) Knowingly, willfully and fraudulently seeks to evade or
41 defeat the purposes of this chapter;
42 (j) Operates or causes to be operated a vehicle which does not
43 have the proper identifying device;



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

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

7 (m) Refuses or fails to surrender to the Authority or *the*
8 Department any certificate, permit, license or identifying device
9 which has been suspended, canceled or revoked pursuant to the
10 provisions of this chapter ~~;~~ *or*

11 (n) *Knowingly makes or causes to be made, directly or*
12 *indirectly, a false statement on any application, account or other*
13 *statement required by or filed with the Authority,*

14 is guilty of a misdemeanor ~~and upon conviction thereof~~ and shall
15 be punished by a fine of not less than \$100 nor more than \$1,000 . ~~;~~
16 ~~or~~ *In addition to the fine, the person may be punished* by
17 imprisonment in the county jail for not more than 6 months . ~~;~~ *or by*
18 ~~both fine and imprisonment.~~

19 ~~—2.—A person convicted of a misdemeanor for a)~~

20 2. *Except as otherwise provided in subsection 3, any person*
21 *who, in violation of the provisions of NRS 706.386 , operates as a*
22 *fully regulated common motor carrier or as an operator of a tow*
23 *car without first obtaining a certificate of public convenience and*
24 *necessity or any person who, in violation of the provisions of NRS*
25 *706.421 , operates as a contract motor carrier without first*
26 *obtaining a permit is guilty of a misdemeanor and* shall be
27 punished:

28 (a) For ~~the~~ a first offense ~~;~~ *within a period of 12 consecutive*
29 *months,* by a fine of not less than \$500 nor more than \$1,000 . ~~;~~ *In*
30 *addition to the fine, the person may be punished by imprisonment*
31 *in the county jail for not more than 6 months.*

32 (b) For a second offense within *a period of* 12 consecutive
33 months and *for* each subsequent offense ~~;~~ *that is committed within*
34 *a period of 12 consecutive months of any prior offense under this*
35 *subsection,* by a fine of \$1,000 . ~~;~~ *or*

36 ~~—(c) For any offense,;~~ *In addition to the fine, the person may be*
37 *punished* by imprisonment in the county jail for not more than 6
38 months . ~~;~~ *or by both the prescribed fine and imprisonment.*

39 3. Any person who , *in violation of the provisions of NRS*
40 *706.386 , operates or permits the operation of a vehicle in passenger*
41 *service without first obtaining* a certificate of public convenience
42 and necessity ~~issued pursuant to NRS 706.391~~ is guilty of a gross
43 misdemeanor.

44 4. If a law enforcement officer witnesses a violation of ~~this~~
45 ~~subsection,—he~~ *any provision of subsection 2 or 3, the law*



1 *enforcement officer* may cause the vehicle to be towed immediately
2 from the scene ~~[-]~~

3 ~~—4.]~~ *and impounded in accordance with NRS 706.476.*

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

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

8 7. *The conviction of a person pursuant to this chapter does*
9 *not prohibit the Authority or another agency or officer from*
10 *seeking a civil remedy or penalty, imposing an administrative fine,*
11 *or suspending or revoking any certificate, permit or license of the*
12 *person convicted. The imposition of a civil remedy or penalty or an*
13 *administrative fine or the suspension or revocation of a certificate,*
14 *permit or license by the Authority or another agency or officer*
15 *does not operate as a defense in any criminal proceeding brought*
16 *pursuant to this chapter.*

17 **Sec. 31.** NRS 706.881 is hereby amended to read as follows:

18 706.881 1. The provisions of NRS ~~[706.881-]~~ *706.881* to
19 706.885, inclusive, *and sections 12 and 13 of this act* apply to any
20 county:

21 (a) Whose population is 400,000 or more; or

22 (b) For whom regulation by the Taxicab Authority is not
23 required, if the board of county commissioners of the county has
24 enacted an ordinance approving the inclusion of the county within
25 the jurisdiction of the Taxicab Authority.

26 2. Upon receipt of a certified copy of such an ordinance from a
27 county for whom regulation by the Taxicab Authority is not
28 required, the Taxicab Authority shall exercise its regulatory
29 authority pursuant to NRS ~~[706.881-]~~ *706.881* to 706.885,
30 inclusive, *and sections 12 and 13 of this act* within that county.

31 3. Within any such county, the provisions of this chapter which
32 confer regulatory authority over taxicab motor carriers upon the
33 Transportation Services Authority do not apply.

34 **Sec. 32.** NRS 706.8811 is hereby amended to read as follows:

35 706.8811 As used in NRS 706.881 to 706.885, inclusive, *and*
36 *sections 12 and 13 of this act*, unless the context otherwise requires,
37 the words and terms defined in NRS 706.8812 to 706.8817,
38 inclusive, have the meanings ascribed to them in those sections.

39 **Sec. 33.** (Deleted by amendment.)

40 **Sec. 34.** NRS 706.8841 is hereby amended to read as follows:

41 706.8841 1. The Administrator shall issue a driver's permit
42 to qualified persons who wish to be employed by certificate holders
43 as taxicab drivers ~~[-]~~ *and who comply with the requirements for the*
44 *issuance of a driver's permit.*

45 2. Before issuing a driver's permit, the Administrator shall:



1 (a) Require the applicant to submit a *complete* set of his
2 fingerprints ~~[, which must be forwarded]~~ *and written permission*
3 *authorizing the Administrator to forward the fingerprints to the*
4 *Central Repository for Nevada Records of Criminal History for*
5 *submission* to the Federal Bureau of Investigation to ascertain
6 whether the applicant has a criminal record and the nature of any
7 such record, and shall further investigate the applicant's
8 background; and

9 (b) Require proof that the applicant:

10 (1) Has been a resident of the State for 30 days before his
11 application for a permit;

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

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

16 ~~[2-]~~ 3. The Administrator may refuse to issue a driver's permit
17 if the applicant has been convicted of:

18 (a) A felony, other than a felony involving any sexual offense,
19 in this state or any other jurisdiction within 5 years before the date
20 of the application;

21 (b) A felony involving any sexual offense in this state or any
22 other jurisdiction at any time before the date of the application; or

23 (c) A violation of NRS 484.379 or 484.3795, or a law of any
24 other jurisdiction that prohibits the same or similar conduct, within
25 3 years before the date of the application.

26 ~~[3-]~~ 4. The Administrator may refuse to issue a driver's permit
27 if the Administrator, after the background investigation of the
28 applicant, determines that the applicant is morally unfit or if the
29 issuance of the driver's permit would be detrimental to public
30 health, welfare or safety.

31 ~~[4-]~~ 5. A taxicab driver shall pay to the Administrator, in
32 advance, \$20 for an original driver's permit and \$5 for a renewal.

33 **Sec. 35.** NRS 706.885 is hereby amended to read as follows:

34 706.885 1. Any person who knowingly makes or causes to be
35 made, either directly or indirectly, a false statement on an
36 application, account or other statement required by the Taxicab
37 Authority or the Administrator or who violates any of the provisions
38 of NRS 706.881 to 706.885, inclusive, *and sections 12 and 13 of*
39 *this act* is guilty of a misdemeanor.

40 2. The Taxicab Authority or Administrator may at any time, for
41 good cause shown and upon at least 5 days' notice to the grantee of
42 any certificate or driver's permit, and after a hearing unless waived
43 by the grantee, penalize the grantee of a certificate to a maximum
44 amount of \$15,000 or penalize the grantee of a driver's permit to a



1 maximum amount of \$500 , or suspend or revoke the certificate or
2 driver's permit granted by it or him, respectively, for:

3 (a) Any violation of any provision of NRS 706.881 to 706.885,
4 inclusive, *and sections 12 and 13 of this act* or any regulation of the
5 Taxicab Authority or Administrator.

6 (b) Knowingly permitting or requiring any employee to violate
7 any provision of NRS 706.881 to 706.885, inclusive, *and sections*
8 *12 and 13 of this act* or any regulation of the Taxicab Authority or
9 Administrator.

10 If a penalty is imposed on the grantee of a certificate pursuant to this
11 section, the Taxicab Authority or Administrator may require the
12 grantee to pay the costs of the proceeding, including investigative
13 costs and attorney's fees.

14 3. When a driver or certificate holder fails to appear at the time
15 and place stated in the notice for the hearing, the Administrator shall
16 enter a finding of default. Upon a finding of default, the
17 Administrator may suspend or revoke the license, permit or
18 certificate of the person who failed to appear and impose the
19 penalties provided in this chapter. For good cause shown, the
20 Administrator may set aside a finding of default and proceed with
21 the hearing.

22 4. Any person who operates or permits a taxicab to be operated
23 in passenger service without a certificate of public convenience and
24 necessity issued pursuant to NRS 706.8827 ~~is~~ is guilty of a gross
25 misdemeanor. If a law enforcement officer witnesses a violation of
26 this subsection, ~~the~~ *the law enforcement officer* may cause the
27 vehicle to be towed immediately from the scene ~~and impounded~~
28 *in accordance with NRS 706.88395.*

29 5. The conviction of a person pursuant to ~~subsection 1~~ *this*
30 *chapter* does not bar the Taxicab Authority ~~or~~ *the* Administrator ,
31 *or another agency or officer* from *seeking a civil remedy or*
32 *penalty, imposing an administrative fine, or* suspending or
33 revoking any certificate, permit or license of the person convicted.
34 The imposition of a *civil remedy or penalty or an administrative*
35 *fine or the* suspension or revocation of any certificate, permit or
36 license by the Taxicab Authority ~~or~~ *the* Administrator , *or*
37 *another agency or officer* does not operate as a defense in any
38 *criminal* proceeding brought ~~under subsection 1~~ *pursuant to this*
39 *chapter.*

40 **Sec. 36.** NRS 268.097 is hereby amended to read as follows:

41 268.097 1. Except as otherwise provided in ~~subsections 2~~
42 ~~and 3~~ *this section*, notwithstanding the provisions of any local,
43 special or general law, after July 1, 1963, the governing body of any
44 incorporated city in this state, whether incorporated by general or
45 special act ~~is~~ or otherwise, may not supervise or regulate any



1 taxicab motor carrier as defined in NRS 706.126 which is under the
2 supervision and regulation of the Transportation Services Authority
3 pursuant to law.

4 2. The governing body of any incorporated city in this state,
5 whether incorporated by general or special act ~~[H]~~ or otherwise, may
6 fix, impose and collect a license tax on and from a taxicab motor
7 carrier for revenue purposes only.

8 3. The governing body of any incorporated city in any county
9 in which the provisions of NRS ~~[706.881-1]~~ 706.881 to 706.885,
10 inclusive, *and sections 12 and 13 of this act* do not apply, whether
11 incorporated by general or special act ~~[H]~~ or otherwise, may regulate
12 by ordinance the qualifications required of employees or lessees of a
13 taxicab motor carrier in a manner consistent with *the provisions of*
14 *NRS 706.011 to 706.791, inclusive, and sections 2 to 11, inclusive,*
15 *of this act and* the regulations adopted by the Transportation
16 Services Authority.

17 **Sec. 37.** 1. Notwithstanding the provisions of this act, before
18 March 1, 2004, if a person is not in compliance with the provisions
19 of sections 6 to 11, inclusive, of this act, a fully regulated carrier of
20 passengers may employ, enter into a lease with, or require or allow
21 the person to be a driver of the fully regulated carrier of passengers
22 and the person may operate as a driver of the fully regulated carrier
23 of passengers without being in compliance with the provisions of
24 sections 6 to 11, inclusive, of this act.

25 2. On and after March 1, 2004, each fully regulated carrier of
26 passengers and each person who is or who wishes to be a driver of a
27 fully regulated carrier of passengers shall comply with the
28 provisions of sections 6 to 11, inclusive, of this act.

29 **Sec. 38.** 1. Notwithstanding the provisions of this act, before
30 March 1, 2004, the provisions of this act do not preempt any
31 ordinance enacted pursuant to NRS 268.097 which regulates the
32 qualifications of a driver of a taxicab motor carrier.

33 2. On and after March 1, 2004, the provisions of this act do not
34 preempt any ordinance enacted pursuant to NRS 268.097 which
35 regulates the qualifications of a driver of a taxicab motor carrier if
36 the ordinance may be enforced in a manner consistent with the
37 provisions of NRS 706.011 to 706.791, inclusive, and sections 2 to
38 11, inclusive, of this act and the regulations adopted by the
39 Transportation Services Authority.

40 **Sec. 39.** 1. This act becomes effective upon passage and
41 approval.

42 2. The provisions of sections 7, 8, 12 and 13 of this act expire
43 by limitation on the date on which the provisions of 42 U.S.C. § 666
44 requiring each state to establish procedures under which the State



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- 1 has authority to withhold or suspend, or to restrict the use of
- 2 professional, occupational and recreational licenses of persons who:
- 3 (a) Have failed to comply with a subpoena or warrant relating to
- 4 a procedure to determine the paternity of a child or to establish or
- 5 enforce an obligation for the support of a child; or
- 6 (b) Are in arrears in the payment for the support of one or more
- 7 children,
- 8 are repealed by the Congress of the United States.

