
ASSEMBLY BILL NO. 240—ASSEMBLYMAN HETTRICK

MARCH 21, 2005

Referred to Committee on Transportation

SUMMARY—Makes various changes relating to regulation of certain motor carriers by Transportation Services Authority. (BDR 58-55)

FISCAL NOTE: Effect on Local Government: No.
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; exempting operators of interstate and intrastate charter bus service from regulation by the Transportation Services Authority; revising provisions relating to the jurisdiction of the Transportation Services Authority over common motor carriers that are not fully regulated carriers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing state law directs the Transportation Services Authority to regulate
 - 2 motor carriers to the extent permitted by federal law. (Chapter 706 of NRS)
 - 3 Existing federal law regulates motor carriers and preempts regulations adopted by a
 - 4 state. (Title 49 of U.S.C.) Existing federal law prohibits a state or state political
 - 5 subdivision from enacting or enforcing a law or regulations relating to the authority
 - 6 to provide intrastate or interstate charter bus transportation. (49 U.S.C. § 14501)
 - 7 This bill clarifies the jurisdiction of the Transportation Services Authority by
 - 8 specifically exempting charter bus services from regulation by the Authority as
 - 9 such services are regulated by federal law. This bill also clarifies certain terms and
 - 10 further clarifies that the Transportation Services Authority's jurisdiction through
 - 11 the issuance of certificates of public necessity and convenience applies only to fully
 - 12 regulated carriers and certain operators of tow cars.
-



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

1. Except as otherwise provided in subsection 2, certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

2. Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply only to operators of tow cars.

Sec. 2. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 706.041 is hereby amended to read as follows:

706.041 "Common motor carrier of passengers" means any person or operator, including a taxicab motor carrier, who holds himself out to the public as willing to transport by vehicle from place to place, either upon fixed route or on-call operations, passengers or passengers and light express for all who may choose to employ him. *The term does not include any person who owns or operates an interstate or intrastate charter bus service.*

Sec. 4. NRS 706.051 is hereby amended to read as follows:

706.051 *1.* "Contract motor carrier" means any person or operator engaged in transportation by motor vehicle of passengers or household goods for compensation pursuant to continuing contracts with one person or a limited number of persons:

~~1-1~~ *(a)* For the furnishing of transportation services through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served;

~~1-2~~ *(b)* For the furnishing of transportation services designed to meet the distinct need of each individual customer; and

~~1-3~~ *(c)* Not operating as a common motor carrier of passengers or property.

2. The term does not include any person who owns or operates an interstate or intrastate charter bus service.



1 **Sec. 5.** NRS 706.072 is hereby amended to read as follows:

2 706.072 “Fully regulated carrier” means a common *motor*
3 carrier or contract carrier of passengers or household goods who is
4 required to obtain from the Authority a certificate of public
5 convenience and necessity or a contract carrier’s permit and whose
6 rates, routes and services are subject to regulation by the Authority.

7 **Sec. 6.** NRS 706.151 is hereby amended to read as follows:

8 706.151 1. It is hereby declared to be the purpose and policy
9 of the Legislature in enacting this chapter:

10 (a) Except to the extent otherwise provided in NRS 706.881 to
11 706.885, inclusive, to confer upon the Authority the power and to
12 make it the duty of the Authority to regulate fully regulated carriers,
13 operators of tow cars *who perform towing services without the*
14 *prior consent of the owner of the vehicle or the person authorized*
15 *by the owner to operate the vehicle* and brokers of regulated
16 services to the extent provided in this chapter and to confer upon the
17 Department of Motor Vehicles the power to license all motor
18 carriers and to make it the duty of the Department of Motor
19 Vehicles and the Department of Public Safety to enforce the
20 provisions of this chapter and the regulations adopted by
21 the Authority pursuant to it, to relieve the undue burdens on the
22 highways arising by reason of the use of the highways by vehicles in
23 a gainful occupation thereon.

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

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

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

35 (1) Intrastate transportation by fully regulated carriers; and

36 (2) Towing services performed without the prior consent of
37 the owner of the vehicle or the person authorized by the owner to
38 operate the vehicle,

39 ↳ without unjust discriminations against or undue preferences or
40 advantages being given to any motor carrier or applicant for a
41 certificate of public convenience and necessity.

42 (e) To discourage any practices which would tend to increase or
43 create competition that may be detrimental to the traveling and
44 shipping public or the motor carrier business within this State.



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

Sec. 7. NRS 706.156 is hereby amended to read as follows:

706.156 1. All common and contract motor carriers and brokers are hereby declared to be, to the extent provided in this chapter:

(a) Affected with a public interest; and

(b) Subject to NRS 706.011 to 706.791, inclusive ~~[]~~ , and *section 1 of this act.*

2. A purchaser or broker of transportation services which are provided by a ~~[common motor]~~ *fully regulated* carrier who holds a certificate of public convenience and necessity may resell those services, in combination with other services and facilities that are not related to transportation, but only in a manner complying with the scope of authority set forth in the certificate of the ~~[common motor]~~ *fully regulated* carrier. The Authority shall not prohibit or restrict ~~[such-a]~~ *the* purchaser or broker from reselling those transportation services to any person based upon that person's affiliation, or lack of affiliation, with any group.

Sec. 8. NRS 706.311 is hereby amended to read as follows:

706.311 1. Except as otherwise provided in subsection 2, every ~~[common and contract motor]~~ *fully regulated* carrier is required to furnish reasonably adequate service and facilities, and all transportation charges made by ~~[any-such]~~ *the fully regulated* carrier must be just and reasonable.

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

3. Every unjust and unreasonable charge for service by any ~~[such]~~ *fully regulated* carrier or operator of a tow car is prohibited and shall be deemed to be unlawful.

Sec. 9. NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every ~~[common or contract motor]~~ *fully regulated* carrier shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the *fully regulated* carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.



(b) As a part of that schedule, all regulations of the *fully regulated* carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the *fully regulated* carrier that the *fully regulated* carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~§~~, and section 1 of this act.

2. Every operator of a tow car shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

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

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~§~~, and section 1 of this act.

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the Authority, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The Authority, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the Authority 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the Authority.

4. The Authority may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant to this section and, after hearing, by order, make such changes as may be just and reasonable.

5. The Authority may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the Authority are in force, and are prima facie lawful, from the date of the order until changed or modified by the Authority, or pursuant to NRS 706.2883.



7. All regulations, practices and service prescribed by the Authority must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the Authority itself upon satisfactory showing made.

Sec. 10. NRS 706.323 is hereby amended to read as follows:

706.323 1. Except as otherwise provided in subsection 2, the Authority may not investigate, suspend, revise or revoke any rate that is subject to the approval of the Authority pursuant to NRS 706.321 and proposed by a ~~common motor carrier or contract motor~~ *fully regulated* carrier because the rate is too high or too low and therefore unreasonable if:

(a) The ~~motor~~ *fully regulated* carrier notifies the Authority that it wishes to have the rate reviewed by the Authority pursuant to this subsection; and

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

2. This section does not limit the authority of the Transportation Services Authority to investigate, suspend, revise or revoke a proposed rate if the rate would violate the provisions of NRS 706.151.

Sec. 11. NRS 706.341 is hereby amended to read as follows:

706.341 1. An operator of a tow car shall, in the manner prescribed by the Authority, notify the Authority if the operator discontinues providing towing services from an operating terminal or establishes a new operating terminal from which a tow car provides towing services within 30 days after the operator discontinues providing towing services from an operating terminal or commences operations at the new terminal.

2. A ~~common motor~~ *fully regulated* carrier, other than an operator of a tow car ~~or a contract motor carrier of passengers or household goods~~, authorized to operate by NRS 706.011 to 706.791, inclusive, *and section 1 of this act* shall not discontinue any service established pursuant to the provisions of NRS 706.011 to 706.791, inclusive, *and section 1 of this act*, and all other laws relating thereto and made applicable thereto by NRS 706.011 to 706.791, inclusive, *and section 1 of this act*, without an order of the Authority granted only after public notice or hearing in the event of protest.

Sec. 12. NRS 706.346 is hereby amended to read as follows:

706.346 1. Except as otherwise provided in subsection 3, a copy, or so much of the schedule or tariff as the Authority determines necessary for the use of the public, must be printed in plain type and posted in every office of a ~~common motor~~ *fully*



1 *regulated* carrier where payments are made by customers or users,
2 open to the public, in such form and place as to be readily accessible
3 to the public and conveniently inspected.

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

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

13 **Sec. 13.** NRS 706.351 is hereby amended to read as follows:

14 706.351 1. It is unlawful for:

15 (a) A fully regulated carrier to furnish any pass, frank, free or
16 reduced rates for transportation to any state, city, district, county or
17 municipal officer of this State or to any person other than those
18 specifically enumerated in this section.

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

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

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

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

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

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

37 (d) Persons injured in accidents or wrecks and physicians and
38 nurses attending ~~such~~ *those* persons.

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

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

44 (g) Officers, agents, employees or members of any profession
45 licensed under title 54 of NRS, together with members of their



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

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

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

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

13 4. This section does not prohibit ~~common-motor~~ *fully*
14 *regulated* carriers from giving free or reduced rates for the
15 transportation of property of:

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

20 (b) Witnesses attending any legal investigations in which ~~such~~
21 *the* carriers are interested.

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

23 (d) Charitable organizations providing food and items for
24 personal hygiene to needy persons or to other charitable
25 organizations within this State.

26 5. This section does not prohibit the Authority from
27 establishing reduced rates, fares or charges for specified routes or
28 schedules of any ~~common-motor~~ *fully regulated* carrier providing
29 transit service if the reduced rates, fares or charges are determined
30 by the Authority to be in the public interest.

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

34 7. As used in this section, "employees" includes:

35 (a) Furloughed, pensioned and superannuated employees.

36 (b) Persons who have become disabled or infirm in the service
37 of ~~such~~ *fully regulated* carriers.

38 (c) Persons who are traveling to enter the service of ~~such~~ a
39 *fully regulated* carrier.

40 **Sec. 14.** NRS 706.356 is hereby amended to read as follows:

41 706.356 It is unlawful for any ~~common-or-contract-motor~~
42 *fully regulated* carrier to make a charge for the carriage of
43 passengers or property within the territory authorized by its
44 certificate of public convenience and necessity or permit and give
45 free or reduced rates beyond ~~such~~ *those* limits.



Sec. 15. NRS 706.371 is hereby amended to read as follows:

706.371 The Authority may regulate and fix the maximum number of contracts and the minimum carrying charges of all intrastate contract motor *carriers that are fully regulated* carriers, and conduct hearings, make and enter necessary orders and enforce the same with respect thereto in the same manner and form as is now or may hereafter be provided by law for the regulation of the rates, charges and services of ~~common-motor~~ *fully regulated* carriers.

Sec. 16. NRS 706.391 is hereby amended to read as follows:

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

2. The Authority shall grant the certificate or modification if it finds that:

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

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

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

(d) The proposed operation or the proposed modification will benefit and protect the safety and convenience of the traveling and shipping public and the motor carrier business in this State;

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

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

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

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

4. In determining whether the applicant is fit to perform the services of a ~~common-motor~~ *fully regulated* carrier pursuant to



1 paragraph (a) of subsection 2, the Authority shall consider whether
2 the applicant has violated any provision of this chapter or any
3 regulations adopted pursuant thereto.

4 5. The applicant for the certificate or modification:

5 (a) Has the burden of proving to the Authority that the proposed
6 operation will meet the requirements of subsection 2; and

7 (b) Must pay the amounts billed to the applicant by the
8 Authority for the costs incurred by the Authority in conducting any
9 investigation regarding the applicant and the application.

10 6. The Authority may issue or modify a certificate of public
11 convenience and necessity to operate as a ~~common motor~~ **fully**
12 **regulated** carrier, or issue or modify it for:

13 (a) The exercise of the privilege sought.

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

15 7. The Authority may attach to the certificate such terms and
16 conditions as, in its judgment, the public interest may require.

17 8. The Authority may dispense with the hearing on the
18 application if, upon the expiration of the time fixed in the notice
19 thereof, no petition to intervene has been filed on behalf of any
20 person who has filed a protest against the granting of the certificate
21 or modification.

22 **Sec. 17.** NRS 706.398 is hereby amended to read as follows:

23 706.398 The Authority:

24 1. Shall revoke or suspend, pursuant to the provisions of this
25 chapter, the certificate of public convenience and necessity of a
26 ~~common motor~~ **fully regulated** carrier which has failed to:

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

29 (b) Operate as a carrier of intrastate commerce in this State
30 under the terms and conditions of its certificate,

31 ➡ unless the carrier has obtained the prior permission of the
32 Authority.

33 2. May revoke or suspend, pursuant to the provisions of NRS
34 706.2885, the certificate of public convenience and necessity of a
35 ~~common motor~~ **fully regulated** carrier which has failed to comply
36 with any provision of this chapter or any regulation of the Authority
37 adopted pursuant thereto.

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

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

42 (a) The transportation by a contractor licensed by the State
43 Contractors' Board of his own equipment in his own vehicles from
44 job to job.



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

(c) Special mobile equipment.

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

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

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

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

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

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

3. ~~[The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:~~

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

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

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



Sec. 19. NRS 706.756 is hereby amended to read as follows:

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

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and section 1 of this act* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and section 1 of this act* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~§~~, *and section 1 of this act*;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~§~~, *and section 1 of this act*;

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in his failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~§~~, *and section 1 of this act*;

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

↳ without including the number of his certificate of public convenience and necessity or contract carrier's permit in each advertisement;

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

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

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

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

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

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,



1 ➡ is guilty of a misdemeanor, and upon conviction thereof shall be
2 punished by a fine of not less than \$100 nor more than \$1,000, or by
3 imprisonment in the county jail for not more than 6 months, or by
4 both fine and imprisonment.

5 2. Any person who, in violation of the provisions of NRS
6 706.386, operates as a fully regulated common motor carrier without
7 first obtaining a certificate of public convenience and necessity or
8 any person who, in violation of the provisions of NRS 706.421,
9 operates as a contract motor carrier without first obtaining a permit
10 is guilty of a misdemeanor and shall be punished:

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

15 (b) For a second offense within a period of 12 consecutive
16 months and for each subsequent offense that is committed within a
17 period of 12 consecutive months of any prior offense under this
18 subsection, by a fine of \$1,000. In addition to the fine, the person
19 may be punished by imprisonment in the county jail for not more
20 than 6 months.

21 3. Any person who, in violation of the provisions of NRS
22 706.386, operates or permits the operation of a vehicle in passenger
23 service without first obtaining a certificate of public convenience
24 and necessity is guilty of a gross misdemeanor.

25 4. If a law enforcement officer witnesses a violation of any
26 provision of subsection 2 or 3, the law enforcement officer may
27 cause the vehicle to be towed immediately from the scene and
28 impounded in accordance with NRS 706.476.

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

31 6. Any bail allowed must not be less than the appropriate fine
32 provided for by this section.

33 **Sec. 20.** NRS 373.117 is hereby amended to read as follows:

34 373.117 1. A regional transportation commission, a county
35 whose population is less than 100,000 or an incorporated city within
36 such a county may establish or operate a public transit system
37 consisting of:

38 (a) Regular routes and fixed schedules to serve the public;

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

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



1 (d) In a county whose population is less than 100,000 or an
2 incorporated city within such a county, nonmedical transportation of
3 persons if the transportation is available by reservation 1 day in
4 advance of the transportation and without regard to regular routes or
5 fixed schedules.

6 2. A regional transportation commission may lease vehicles to
7 or from or enter into other contracts with a private operator for the
8 provision of such a system.

9 3. In a county whose population is less than 400,000, such a
10 system may also provide service which includes:

11 (a) Minor deviations from the regular routes and fixed schedules
12 required by paragraph (a) of subsection 1 on a recurring basis to
13 serve the public transportation needs of passengers. The deviations
14 must not exceed one-half mile from the regular routes.

15 (b) The transporting of persons other than those specified in
16 paragraph (b), (c) or (d) of subsection 1 upon request without regard
17 to regular routes or fixed schedules, if the service is provided by a
18 common motor carrier which has a certificate of public convenience
19 and necessity issued by the transportation services authority
20 pursuant to NRS 706.386 to 706.411, inclusive, and the service is
21 subject to the rules and regulations adopted by the transportation
22 services authority for a fully regulated carrier.

23 4. Notwithstanding the provisions of chapter 332 of NRS or
24 NRS 625.530, a regional transportation commission may utilize a
25 turnkey procurement process to select a person to design, build,
26 operate and maintain, or any combination thereof, a fixed guideway
27 system, including, without limitation, any minimum operable
28 segment thereof. The commission shall determine whether to utilize
29 turnkey procurement for a fixed guideway project before the
30 completion of the preliminary engineering phase of the project. In
31 making that determination, the commission shall evaluate whether
32 turnkey procurement is the most cost effective method of
33 constructing the project on schedule and in satisfaction of its
34 transportation objectives.

35 5. Notwithstanding the provisions of chapter 332 of NRS, a
36 regional transportation commission may utilize a competitive
37 negotiation procurement process to procure rolling stock for a fixed
38 guideway project. The award of a contract under such a process
39 must be made to the person whose proposal is determined to be the
40 most advantageous to the commission, based on price and other
41 factors specified in the procurement documents.

42 6. If a commission develops a fixed guideway project, the
43 Department of Transportation is hereby designated to serve as the
44 oversight agency to ensure compliance with the federal safety



1 regulations for rail fixed guideway systems set forth in 49 C.F.R.
2 Part 659.

3 7. As used in this section:

4 (a) "Fully regulated carrier" means a common **motor** carrier or
5 contract carrier of passengers or household goods who is required to
6 obtain from the Transportation Services Authority a certificate of
7 public convenience and necessity or a contract carrier's permit and
8 whose rates, routes and services are subject to regulation by the
9 Transportation Services Authority.

10 (b) "Minimum operable segment" means the shortest portion of
11 a fixed guideway system that is technically capable of providing
12 viable public transportation between two end points.

13 (c) "Public transit system" means a system employing motor
14 buses, rails or any other means of conveyance, by whatever type of
15 power, operated for public use in the conveyance of persons.

16 (d) "Turnkey procurement" means a competitive procurement
17 process by which a person is selected by a regional transportation
18 commission, based on evaluation criteria established by the
19 commission, to design, build, operate and maintain, or any
20 combination thereof, a fixed guideway system, or a portion thereof,
21 in accordance with performance criteria and technical specifications
22 established by the commission.

23 **Sec. 21.** NRS 482.3963 is hereby amended to read as follows:

24 482.3963 1. An owner of a vehicle who leases it to a carrier
25 and operates the vehicle pursuant to that lease may apply to the
26 Department for a temporary permit to operate the vehicle if the
27 vehicle:

28 (a) Is not subject to the provisions of NRS 482.390 and 482.395;

29 (b) Is not currently registered in this State, another state or a
30 foreign country; and

31 (c) Is operated at the vehicle's unladen weight.

32 2. The Department shall charge \$10 for such a temporary
33 permit, in addition to all other applicable fees and taxes.

34 3. Such a temporary permit must:

35 (a) Bear the date of its expiration;

36 (b) Expire at 5 p.m. on the 15th day after its date of issuance;

37 (c) Be affixed to the vehicle in a manner prescribed by the
38 Department; and

39 (d) Be removed and destroyed upon its expiration or upon the
40 issuance of a certificate of registration for the vehicle, whichever
41 occurs first.

42 4. As used in this section, "carrier" means a common motor
43 carrier of passengers as defined in NRS 706.041, a common
44 motor carrier of property as defined in NRS 706.046, a contract
45 motor carrier as defined in NRS 706.051, ~~or~~ a private motor carrier



1 of property as defined in NRS 706.111 ~~H~~ *or an operator of an*
2 *interstate or intrastate charter bus service.*

3 **Sec. 22.** As soon as practicable after January 1, 2006, the
4 Transportation Services Authority shall amend or repeal, as
5 appropriate, any of its regulations that conflict with the amendatory
6 provisions of this act.

7 **Sec. 23.** This act becomes effective on January 1, 2006.

