

CHAPTER.....

AN ACT relating to transportation; revising the provisions governing owners and operators of charter buses which are not fully regulated carriers; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing state law directs the Transportation Services Authority to regulate motor carriers to the extent permitted by federal law. (Chapter 706 of NRS) Existing federal law regulates motor carriers and preempts regulations adopted by a state. (Title 49 of U.S.C.) Existing federal law prohibits a state or state political subdivision from enacting or enforcing a law or regulations relating to the authority to provide intrastate or interstate charter bus transportation. (49 U.S.C. § 14501)

This bill requires an owner or operator of a charter bus which is not a fully regulated carrier to comply with the provisions of Chapter 706 of NRS and any regulations adopted by the Transportation Services Authority pursuant to that chapter relating to safety. This bill also requires the owner or operator of the charter bus to provide satisfactory evidence that the owner or operator has liability insurance in the form and amounts required by the Transportation Services Authority for other common carriers of passengers. This bill further requires that the owner or operator submit a copy of its schedule or tariff which sets forth the rates established by the owner or operator. Lastly, this bill sets forth the penalties which would apply if the owner or operator of the charter bus fails to comply with these requirements.

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:

Each owner or operator of a charter bus which is not a fully regulated carrier shall:

1. Comply with the provisions of this chapter and any regulations adopted by the Authority pursuant to this chapter relating to safety;

2. Submit evidence satisfactory to the Authority that the owner or operator has obtained a liability insurance policy, certificate of insurance, bond of a surety company or other surety in the time, amount and form required by the Authority for a common motor carrier of passengers pursuant to NRS 706.291; and

3. Not later than 5 days before beginning operation in this State, submit to the Authority a copy of its schedule or tariff setting forth the rates established by the owner or operator. If the owner or operator intends to make any changes to its schedule or tariff, the owner or operator shall submit an updated copy of the schedule or tariff to the Authority not later than 5 days before the

date on which those changes are to become effective. Notwithstanding any provision of this chapter to the contrary, schedules and tariffs submitted by the owner or operator to the Authority pursuant to this section, and the rates set forth in those schedules and tariffs, are not subject to hearing or approval by the Authority.

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 706.756 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 ~~H~~, *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 ~~H~~, *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 ~~H~~, *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,

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

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

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

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

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

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

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

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

Sec. 4. 1. Notwithstanding any provision of this act to the contrary, each owner or operator of a charter bus which is not a fully regulated carrier and which is operating in this State on and before

October 1, 2005, shall, on or before October 10, 2005, submit to the Transportation Services Authority:

(a) Evidence satisfactory to the Transportation Services Authority that the owner or operator has obtained a liability insurance policy, certificate of insurance, bond of a surety company or other surety as required by subsection 2 of section 1 of this act; and

(b) A copy of its schedule or tariff setting forth the rates established by the owner or operator and which will be effective on October 10, 2005. If the owner or operator intends to make a change to its schedule or tariff which is scheduled to become effective on or after October 11, 2005, and before October 16, 2005, the owner and operator shall also include a copy of the updated schedule and tariff.

2. Notwithstanding any provision of this act to the contrary, each owner or operator of a charter bus which is not a fully regulated carrier and which begins operations in this State on or after October 1, 2005, and before October 6, 2005, shall, on or before October 10, 2005, submit to the Transportation Services Authority:

(a) Evidence satisfactory to the Transportation Services Authority that the owner or operator has obtained a liability insurance policy, certificate of insurance, bond of a surety company or other surety as required by subsection 2 of section 1 of this act; and

(b) A copy of its schedule or tariff setting forth the rates established by the owner or operator.