
ASSEMBLY BILL NO. 270—ASSEMBLYMEN ANGLE AND HOLCOMB

MARCH 21, 2005

Referred to Committee on Transportation

SUMMARY—Revises provisions governing Transportation Services Authority and Taxicab Authority. (BDR 58-59)

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

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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; requiring employees of the Transportation Services Authority and the Taxicab Authority to wear identifying uniforms and use marked vehicles when exercising enforcement powers in the field; increasing the required standard for such employees to stop or detain a vehicle when exercising such powers; making employees of the Transportation Services Authority and the Taxicab Authority who are peace officers eligible for certain retirement benefits; requiring the Transportation Services Authority and the Taxicab Authority to adopt certain procedures and policies governing their organization and operation; requiring certain notice to be provided before the examination of certain records; removing the authority of the Transportation Services Authority to impose certain administrative fines; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law establishes the Transportation Services Authority which regulates
- 2 transportation by common and contract carriers in Nevada. (NRS 706.011-706.791)
- 3 Existing law also establishes the Taxicab Authority, which regulates the taxicab
- 4 industry in counties with a population of 400,000 or more (currently Clark County)
- 5 and in any county that has established by ordinance the jurisdiction of the Taxicab
- 6 Authority within the county. (NRS 706.881-706.885)



This bill requires an employee of the Transportation Services Authority or the Taxicab Authority who enforces any statutory provision or regulation of the Authority while on duty in the field to wear a uniform that identifies him as an employee of the Authority and to use of a vehicle which is clearly marked as a vehicle of the Authority, unless the employee is participating in an undercover investigation.

This bill also requires the Transportation Services Authority and the Taxicab Authority to establish and carry out policies and procedures for the organization and operation of their respective Authorities, including a code of ethics for personnel.

This bill also clarifies that the jurisdiction of the Transportation Services Authority through the issuance of certificates of public necessity and convenience applies only to fully regulated carriers and certain operators of tow cars. This bill further clarifies that the jurisdiction of the Authority does not extend to a person who owns or operates an interstate or intrastate charter bus service.

Existing law provides that a peace officer may detain any person who the peace officer reasonably suspects has committed, is committing or is about to commit a crime. (NRS 171.123)

This bill increases this standard for an employee of the Transportation Services Authority or the Taxicab Authority. Such employee may stop or detain a person operating a vehicle only if the employee has probable cause to believe that the person operating the vehicle has violated a provision of law which is within the jurisdiction of the Authority.

Existing law creates the Police and Firefighters' Retirement Fund. (NRS 286.225)

This bill provides that employees of the Transportation Services Authority or the Taxicab Authority who are peace officers are eligible to participate in that Fund.

Existing law authorizes any member of the Transportation Services Authority or any officer or employee of the Authority who is designated by the Authority to examine the books, records, minutes, papers or other property of any person regulated by the Authority. (NRS 706.172)

This bill requires the Transportation Services Authority to give at least 72 hours' notice before an examination of the books, records, minutes, papers or other property of a person may be conducted.

This bill also makes other technical changes to the provisions of law concerning common motor carriers.

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 the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. 1. *Except as otherwise provided in this section, an employee of the Authority who enforces any provision of NRS 706.011 to 706.791, inclusive, or chapter 712 of NRS, or any regulation adopted pursuant to those provisions, while on duty in the field shall:*

(a) Wear a uniform that identifies him as an employee of the Authority; and



1 (b) Use only a vehicle that is clearly marked as a vehicle of the
2 Authority.

3 2. The provisions of subsection 1 do not apply to an employee
4 who is participating in an undercover investigation.

5 Sec. 3. An employee of the Authority shall not stop or
6 otherwise detain a person operating a vehicle unless the employee
7 has probable cause to believe that the person has violated a
8 provision of NRS 706.011 to 706.791, inclusive, or chapter 712 of
9 NRS, or any regulation adopted pursuant to those provisions.

10 Sec. 4. The Authority shall adopt and carry out
11 organizational and operational procedures and policies, including,
12 without limitation, a code of ethics for personnel of the Authority
13 and procedures and policies for carrying out the duties of the
14 Authority as set forth in NRS 706.011 to 706.791, inclusive.

15 Sec. 5. The provisions of NRS 706.311 to 706.453, inclusive,
16 706.471, 706.473, 706.475 and 706.6411 which authorize the
17 Authority to issue:

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

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

27 Sec. 6. 1. Except as otherwise provided in this section, an
28 employee of the Taxicab Authority who enforces any provision of
29 NRS 706.881 to 706.885, inclusive, or any regulation adopted
30 pursuant to those provisions while on duty in the field shall:

31 (a) Wear a uniform that identifies him as an employee of the
32 Taxicab Authority; and

33 (b) Use only a vehicle that is clearly marked as a vehicle of the
34 Taxicab Authority.

35 2. The provisions of subsection 1 do not apply to an employee
36 who is participating in an undercover investigation.

37 Sec. 7. An employee of the Taxicab Authority shall not stop
38 or otherwise detain a person operating a vehicle unless the
39 employee has probable cause to believe that the person has
40 violated a provision of NRS 706.881 to 706.885, inclusive, or any
41 regulation adopted pursuant to those provisions.

42 Sec. 8. The Taxicab Authority shall adopt and carry out
43 organizational and operational procedures and policies, including,
44 without limitation, a code of ethics for personnel of the Authority



1 *and procedures and policies for carrying out the duties of the*
2 *Authority as set forth in NRS 706.881 to 706.885, inclusive.*

3 **Sec. 9.** *Employees of the Taxicab Authority who are peace*
4 *officers are eligible to participate in the Police and Firefighters'*
5 *Retirement Fund created pursuant to NRS 286.225.*

6 **Sec. 10.** NRS 706.011 is hereby amended to read as follows:

7 706.011 As used in NRS 706.011 to 706.791, inclusive, *and*
8 *sections 2 to 5, inclusive, of this act*, unless the context otherwise
9 requires, the words and terms defined in NRS 706.013 to 706.146,
10 inclusive, have the meanings ascribed to them in those sections.

11 **Sec. 11.** NRS 706.041 is hereby amended to read as follows:

12 706.041 "Common motor carrier of passengers" means any
13 person or operator, including a taxicab motor carrier, who holds
14 himself out to the public as willing to transport by vehicle from
15 place to place, either upon fixed route or on-call operations,
16 passengers or passengers and light express for all who may choose
17 to employ him. *The term does not include any person who owns or*
18 *operates an interstate or intrastate charter bus service.*

19 **Sec. 12.** NRS 706.051 is hereby amended to read as follows:

20 706.051 **1.** "Contract motor carrier" means any person or
21 operator engaged in transportation by motor vehicle of passengers or
22 household goods for compensation pursuant to continuing contracts
23 with one person or a limited number of persons:

24 ~~(1-)~~ **(a)** For the furnishing of transportation services through the
25 assignment of motor vehicles for a continuing period of time to the
26 exclusive use of each person served;

27 ~~(2-)~~ **(b)** For the furnishing of transportation services designed to
28 meet the distinct need of each individual customer; and

29 ~~(3-)~~ **(c)** Not operating as a common motor carrier of passengers
30 or property.

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

33 **Sec. 13.** NRS 706.072 is hereby amended to read as follows:

34 706.072 "Fully regulated carrier" means a common *motor*
35 carrier or contract carrier of passengers or household goods who is
36 required to obtain from the Authority a certificate of public
37 convenience and necessity or a contract carrier's permit and whose
38 rates, routes and services are subject to regulation by the Authority.

39 **Sec. 14.** NRS 706.151 is hereby amended to read as follows:

40 706.151 **1.** It is hereby declared to be the purpose and policy
41 of the Legislature in enacting this chapter:

42 (a) Except to the extent otherwise provided in NRS 706.881 to
43 706.885, inclusive, *and sections 6 to 9, inclusive, of this act*, to
44 confer upon the Authority the power and to make it the duty of the
45 Authority to regulate fully regulated carriers, operators of tow cars



1 *who performed towing services without the prior consent of the*
2 *owner of the vehicle or the person authorized by the owner to*
3 *operate the vehicle* and brokers of regulated services to the extent
4 provided in this chapter and to confer upon the Department of Motor
5 Vehicles the power to license all motor carriers and to make it the
6 duty of the Department of Motor Vehicles and the Department of
7 Public Safety to enforce the provisions of this chapter and the
8 regulations adopted by the Authority pursuant to it, to relieve
9 the undue burdens on the highways arising by reason of the use of
10 the highways by vehicles in a gainful occupation thereon.

11 (b) To provide for reasonable compensation for the use of the
12 highways in gainful occupations, and enable the State of Nevada, by
13 using license fees, to provide for the proper construction,
14 maintenance and repair thereof, and thereby protect the safety and
15 welfare of the traveling and shipping public in their use of the
16 highways.

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

20 (d) To encourage the establishment and maintenance of
21 reasonable charges for:

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

23 (2) Towing services performed without the prior consent of
24 the owner of the vehicle or the person authorized by the owner to
25 operate the vehicle,

26 ↪ without unjust discriminations against or undue preferences or
27 advantages being given to any motor carrier or applicant for a
28 certificate of public convenience and necessity.

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

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

35 **Sec. 15.** NRS 706.1514 is hereby amended to read as follows:

36 706.1514 1. A majority of the members of the Authority may
37 exercise all of the power and conduct the business of the Authority
38 relating to common or contract carriers, taxicabs, and the
39 warehousing of household goods as provided in this chapter and
40 chapter 712 of NRS.

41 2. ~~{Except as otherwise provided in this subsection, public}~~
42 **Public** hearings must be conducted by one or more members of the
43 Authority. ~~{An administrative proceeding conducted pursuant to~~
44 ~~subsection 2 of NRS 706.771 may be conducted by a hearing officer~~
45 ~~designated by the Chairman of the Authority.}~~



1 **Sec. 16.** NRS 706.1517 is hereby amended to read as follows:

2 706.1517 Employees of the Authority who are peace officers

3 ~~{may}~~ :

4 1. *May* carry firearms in the performance of their duties.

5 2. *Are eligible to participate in the Police and Firefighters'*
6 *Retirement Fund created pursuant to NRS 286.225.*

7 **Sec. 17.** NRS 706.156 is hereby amended to read as follows:

8 706.156 1. All common and contract motor carriers and
9 brokers are hereby declared to be, to the extent provided in this
10 chapter:

11 (a) Affected with a public interest; and

12 (b) Subject to NRS 706.011 to 706.791, inclusive ~~{ }~~ , and
13 *sections 2 to 5, inclusive, of this act.*

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

24 **Sec. 18.** NRS 706.171 is hereby amended to read as follows:

25 706.171 1. The Authority, the Department of Motor Vehicles
26 and the Department of Public Safety may:

27 (a) Make necessary and reasonable regulations governing the
28 administration and enforcement of the provisions of this chapter for
29 which they are each responsible.

30 (b) Adopt by reference any appropriate rule or regulation, as it
31 exists at the time of adoption, issued by the United States
32 Department of Transportation, the Surface Transportation Board,
33 any other agency of the Federal Government or the National
34 Association of Regulatory Utility Commissioners.

35 (c) Require such reports and the maintenance of such records as
36 they determine to be necessary for the administration and
37 enforcement of this chapter.

38 (d) Except as otherwise provided in this section, examine, at any
39 time during the business hours of the day, the books, papers and
40 records of any fully regulated carrier, and of any other common,
41 contract or private motor carrier doing business in this State to the
42 extent necessary for their respective duties. The Authority, the
43 Department of Motor Vehicles and the Department of Public Safety
44 may examine in other states or require by subpoena the production
45 inside this State of such books, papers and records as are not



1 maintained in this State. *Before the Authority may conduct an*
2 *examination pursuant to this section, the Authority must give the*
3 *carrier at least 72 hours' notice that the Authority will conduct the*
4 *examination.*

5 (e) Temporarily waive any requirement for a certificate or
6 permit when an emergency exists as defined in NRS 706.561.

7 2. No personnel records of an employee of a fully regulated
8 carrier, or of any other common, contract or private motor carrier
9 may be examined pursuant to paragraph (d) of subsection 1 unless
10 the records contain information relating to a matter of public safety
11 or the Authority, the Department of Motor Vehicles and the
12 Department of Public Safety determine that the examination is
13 required to protect the interests of the public.

14 3. The Department of Motor Vehicles may adopt regulations to
15 ensure the payment of any fee due or authorized pursuant to the
16 provisions of this chapter.

17 4. As used in this section, "personnel records" does not
18 include:

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

33 **Sec. 19.** NRS 706.172 is hereby amended to read as follows:

34 706.172 1. Except as otherwise provided in subsection 2, any
35 member of the Authority or any officer or employee of the
36 Authority who is designated by the Authority may examine during
37 the regular business hours the books, accounts, records, minutes,
38 papers and property of any person who is regulated by the Authority
39 and who does business in this State, whether or not the book,
40 account, record, minutes, paper or property is located within this
41 State. *The Authority must give to such a person at least 72 hours'*
42 *notice before the member, officer or employee of the Authority*
43 *may conduct the examination pursuant to this section.*

44 2. No personnel records of an employee may be examined
45 pursuant to subsection 1 unless the records contain information



1 relating to a matter of public safety or the Authority determines that
2 the examination is required to protect the interests of the public.

3 3. As used in this section, "personnel records" does not
4 include:

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

19 **Sec. 20.** NRS 706.311 is hereby amended to read as follows:

20 706.311 1. Except as otherwise provided in subsection 2,
21 every ~~{common and contract motor}~~ *fully regulated* carrier is
22 required to furnish reasonably adequate service and facilities, and all
23 transportation charges made by ~~{any such}~~ *the fully regulated*
24 carrier must be just and reasonable.

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

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

33 **Sec. 21.** NRS 706.321 is hereby amended to read as follows:

34 706.321 1. Except as otherwise provided in subsection 2,
35 every ~~{common or contract motor}~~ *fully regulated* carrier shall file
36 with the Authority:

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

- 39 (1) Be open to public inspection; and
- 40 (2) Include all rates, fares and charges which the *fully*
41 *regulated* carrier has established and which are in force at the time
42 of filing for any service performed in connection therewith by any
43 carrier controlled and operated by it.

44 (b) As a part of that schedule, all regulations of the *fully*
45 *regulated* carrier that in any manner affect the rates or fares charged



1 or to be charged for any service and all regulations of the *fully*
2 *regulated* carrier that the *fully regulated* carrier has adopted to
3 comply with the provisions of NRS 706.011 to 706.791, inclusive ~~§~~
4 *, and sections 2 to 5, inclusive, of this act.*

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

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

8 (1) Be open to public inspection; and

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

13 (b) As a part of that schedule, all regulations of the operator of
14 the tow car which in any manner affect the rates charged or to be
15 charged for towing services performed without the prior consent of
16 the owner of the vehicle or the person authorized by the owner to
17 operate the vehicle and all regulations of the operator of the tow car
18 that the operator has adopted to comply with the provisions of NRS
19 706.011 to 706.791, inclusive ~~§~~, *and sections 2 to 5, inclusive, of*
20 *this act.*

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

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

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

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

44 7. All regulations, practices and service prescribed by the
45 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. 22. 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. 23. 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 sections 2 to 5, inclusive, of this act*, shall not discontinue any service established pursuant to the provisions of NRS 706.011 to 706.791, inclusive, *and sections 2 to 5, inclusive, of this act*, and all other laws relating thereto and made applicable thereto by NRS 706.011 to 706.791, inclusive, *and sections 2 to 5, inclusive, of this act*, without an order of the Authority granted only after public notice or hearing in the event of protest.

Sec. 24. 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 regulated* carrier where payments are made by customers or users,



1 open to the public, in such form and place as to be readily accessible
2 to the public and conveniently inspected.

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

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

12 **Sec. 25.** NRS 706.351 is hereby amended to read as follows:

13 706.351 1. It is unlawful for:

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

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

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

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

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

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

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

36 (d) Persons injured in accidents or wrecks and physicians and
37 nurses attending such persons.

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

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

43 (g) Officers, agents, employees or members of any profession
44 licensed under title 54 of NRS, together with members of their
45 families, who are employed by or affiliated with other common



1 carriers, if there is an interchange of free or reduced rates for
2 transportation.

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

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

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

12 4. This section does not prohibit common motor carriers from
13 giving free or reduced rates for the transportation of property of:

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

18 (b) Witnesses attending any legal investigations in which such
19 carriers are interested.

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

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

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

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

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

33 (a) Furloughed, pensioned and superannuated employees.

34 (b) Persons who have become disabled or infirm in the service
35 of such carriers.

36 (c) Persons who are traveling to enter the service of such a
37 carrier.

38 **Sec. 26.** NRS 706.356 is hereby amended to read as follows:

39 706.356 It is unlawful for any ~~common-or-contract-motor~~
40 *fully regulated* carrier to make a charge for the carriage of
41 passengers or property within the territory authorized by its
42 certificate of public convenience and necessity or permit and give
43 free or reduced rates beyond such limits.



1 **Sec. 27.** NRS 706.371 is hereby amended to read as follows:

2 706.371 The Authority may regulate and fix the maximum
3 number of contracts and the minimum carrying charges of all
4 intrastate contract motor carriers ~~[.]~~ *that are fully regulated*
5 *carriers*, and conduct hearings, make and enter necessary orders and
6 enforce the same with respect thereto in the same manner and form
7 as is now or may hereafter be provided by law for the regulation of
8 the rates, charges and services of ~~[common-motor]~~ *fully regulated*
9 carriers.

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

11 706.391 1. Upon the filing of an application for a certificate
12 of public convenience and necessity to operate as a ~~[common-motor]~~
13 *fully regulated* carrier, other than an operator of a tow car, or an
14 application for modification of such a certificate, the Authority shall
15 fix a time and place for a hearing on the application.

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

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

24 (b) The proposed operation or the proposed modification will be
25 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;

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

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

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

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

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

44 4. In determining whether the applicant is fit to perform the
45 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. 29.** 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. 30.** NRS 706.449 is hereby amended to read as follows:

39 706.449 The Authority may **bring a civil action to** impose ~~[an~~
40 ~~administrative fine]~~ **a civil penalty** pursuant to ~~[subsection 2 of]~~
41 NRS 706.771 on the owner or operator of a tow car who fails to pay
42 in a timely manner any charge required to be paid by subsection 2 of
43 NRS 484.631.



Sec. 31. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, *and sections 2 to 5, inclusive, of this act*, do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of his own equipment in his own vehicles from 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. 32. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, *and except with respect to a violation of sections 2 to 5, inclusive, of this act or any regulations adopted pursuant thereto*, 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, 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, or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive;

(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;

(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;



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 cancelled, 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 Department
8 any certificate, permit, license or identifying device which has been
9 suspended, cancelled or revoked pursuant to the provisions of this
10 chapter,

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

15 2. Any person who, in violation of the provisions of NRS
16 706.386, operates as a fully regulated common motor carrier without
17 first obtaining a certificate of public convenience and necessity or
18 any person who, in violation of the provisions of NRS 706.421,
19 operates as a contract motor carrier without first obtaining a permit
20 is guilty of a misdemeanor and shall be punished:

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

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

31 3. Any person who, in violation of the provisions of NRS
32 706.386, operates or permits the operation of a vehicle in passenger
33 service without first obtaining a certificate of public convenience
34 and necessity is guilty of a gross misdemeanor.

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

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

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

43 **Sec. 33.** NRS 706.771 is hereby amended to read as follows:

44 706.771 1. ~~[Any]~~ *Except with respect to a violation of*
45 *sections 2 to 5, inclusive, of this act and any regulations adopted*



pursuant thereto, any person or any agent or employee thereof, who violates any provision of this chapter, any lawful regulation of the Authority or any lawful tariff on file with the Authority or who fails, neglects or refuses to obey any lawful order of the Authority or any court order for whose violation a civil penalty is not otherwise prescribed is liable to a penalty of not more than \$10,000 for any violation. The penalty may be recovered in a civil action upon the complaint of the Authority in any court of competent jurisdiction.

~~2. If the Authority does not bring an action to recover the penalty prescribed by subsection 1, the Authority may impose an administrative fine of not more than \$10,000 for any violation of a provision of this chapter or any rule, regulation or order adopted or issued by the Authority or Department pursuant to the provisions of this chapter. A fine imposed by the Authority may be recovered by the Authority only after notice is given and a hearing is held pursuant to the provisions of chapter 233B of NRS.~~

~~3. All administrative fines imposed and collected by the Authority pursuant to subsection 2 are payable to the State Treasurer and must be credited to a separate account to be used by the Authority to enforce the provisions of this chapter.~~

~~4.] A penalty [or fine] recovered pursuant to this section is not a cost of service for purposes of rate making.~~

Sec. 34. NRS 706.881 is hereby amended to read as follows:

706.881 1. The provisions of NRS 706.8811 to 706.885, inclusive, *and sections 6 to 9, inclusive, of this act* apply to any county:

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

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

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, *and sections 6 to 9, inclusive, of this act* within that county.

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

Sec. 35. NRS 706.8811 is hereby amended to read as follows:

706.8811 As used in NRS 706.881 to 706.885, inclusive, *and sections 6 to 9, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.8812 to 706.8817, inclusive, have the meanings ascribed to them in those sections.



1 **Sec. 36.** NRS 706.8829 is hereby amended to read as follows:

2 706.8829 1. A certificate holder shall maintain a uniform
3 system of accounts in which all business transacted by the certificate
4 holder is recorded. The accounts must be:

5 (a) Kept in a form prescribed by the Taxicab Authority;

6 (b) Before May 15 of each year, submitted to the Taxicab
7 Authority in an annual report in the form and detail prescribed by
8 the Taxicab Authority;

9 (c) Retained for a period of 3 years after their receipt back from
10 the Taxicab Authority; and

11 (d) Supplemented with such additional information as the
12 Taxicab Authority may require.

13 2. The Taxicab Authority may examine the books, accounts,
14 records, minutes and papers of a certificate holder at any reasonable
15 time to determine their correctness and whether they are maintained
16 in accordance with the regulations adopted by the Taxicab
17 Authority. *The Taxicab Authority must give the certificate holder*
18 *at least 72 hours' notice before the Taxicab Authority may*
19 *conduct the examination pursuant to this section.*

20 3. If a certificate holder fails to comply with any provision of
21 this section in a timely manner, the Administrator, after hearing,
22 may impose a fine of not more than \$1,000, commence proceedings
23 to suspend or revoke the certificate of public convenience and
24 necessity of the certificate holder, or both impose a fine and
25 commence ~~[such]~~ *those* proceedings.

26 **Sec. 37.** NRS 706.885 is hereby amended to read as follows:

27 706.885 1. Any person who knowingly makes or causes to be
28 made, either directly or indirectly, a false statement on an
29 application, account or other statement required by the Taxicab
30 Authority or the Administrator or who violates any of the provisions
31 of NRS 706.881 to 706.885, inclusive, *other than a violation of*
32 *sections 6 to 9, inclusive, of this act* is guilty of a misdemeanor.

33 2. The Taxicab Authority or Administrator may at any time, for
34 good cause shown and upon at least 5 days' notice to the grantee of
35 any certificate or driver's permit, and after a hearing unless waived
36 by the grantee, penalize the grantee of a certificate to a maximum
37 amount of \$15,000 or penalize the grantee of a driver's permit to a
38 maximum amount of \$500 or suspend or revoke the certificate or
39 driver's permit granted by it or him, respectively, for:

40 (a) Any violation of any provision of NRS 706.881 to 706.885,
41 inclusive, or any regulation of the Taxicab Authority or
42 Administrator.

43 (b) Knowingly permitting or requiring any employee to violate
44 any provision of NRS 706.881 to 706.885, inclusive, or any
45 regulation of the Taxicab Authority or Administrator.



1 ➡ If a penalty is imposed on the grantee of a certificate pursuant to
2 this section, the Taxicab Authority or Administrator may require the
3 grantee to pay the costs of the proceeding, including investigative
4 costs and attorney's fees.

5 3. When a driver or certificate holder fails to appear at the time
6 and place stated in the notice for the hearing, the Administrator shall
7 enter a finding of default. Upon a finding of default, the
8 Administrator may suspend or revoke the license, permit or
9 certificate of the person who failed to appear and impose the
10 penalties provided in this chapter. For good cause shown, the
11 Administrator may set aside a finding of default and proceed with
12 the hearing.

13 4. Any person who operates or permits a taxicab to be operated
14 in passenger service without a certificate of public convenience and
15 necessity issued pursuant to NRS 706.8827, is guilty of a gross
16 misdemeanor. If a law enforcement officer witnesses a violation of
17 this subsection, he may cause the vehicle to be towed immediately
18 from the scene.

19 5. The conviction of a person pursuant to subsection 1 does not
20 bar the Taxicab Authority or Administrator from suspending or
21 revoking any certificate, permit or license of the person convicted.
22 The imposition of a fine or suspension or revocation of any
23 certificate, permit or license by the Taxicab Authority or
24 Administrator does not operate as a defense in any proceeding
25 brought under subsection 1.

26 **Sec. 38.** NRS 171.123 is hereby amended to read as follows:

27 171.123 1. ~~[Any]~~ *Except as otherwise provided in sections 3*
28 *and 7 of this act, any* peace officer may detain any person whom
29 the officer encounters under circumstances which reasonably
30 indicate that the person has committed, is committing or is about to
31 commit a crime.

32 2. Any peace officer may detain any person the officer
33 encounters under circumstances which reasonably indicate that the
34 person has violated or is violating the conditions of his parole or
35 probation.

36 3. The officer may detain the person pursuant to this section
37 only to ascertain his identity and the suspicious circumstances
38 surrounding his presence abroad. Any person so detained shall
39 identify himself, but may not be compelled to answer any other
40 inquiry of any peace officer.

41 4. A person must not be detained longer than is reasonably
42 necessary to effect the purposes of this section, and in no event
43 longer than 60 minutes. The detention must not extend beyond the
44 place or the immediate vicinity of the place where the detention was
45 first effected, unless the person is arrested.



Sec. 39. NRS 171.1232 is hereby amended to read as follows:

171.1232 1. If any peace officer reasonably believes that any person whom he has detained or is about to detain pursuant to NRS 171.123 *or section 3 or 7 of this act* is armed with a dangerous weapon and is a threat to the safety of the peace officer or another, the peace officer may search ~~[such]~~ *the* person to the extent reasonably necessary to ascertain the presence of ~~[such]~~ *the* weapon. If the search discloses a weapon or any evidence of a crime, ~~[such]~~ *the* weapon or evidence may be seized.

2. Nothing seized by a peace officer in any such search is admissible in any proceeding unless the search which disclosed the existence of ~~[such]~~ *the* evidence is authorized by and conducted in compliance with this section.

Sec. 40. NRS 482.3963 is hereby amended to read as follows:

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

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

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

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

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

3. Such a temporary permit must:

(a) Bear the date of its expiration;

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

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

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

4. As used in this section, "carrier" means a common motor carrier of passengers as defined in NRS 706.041, a common motor carrier of property as defined in NRS 706.046, a contract motor carrier as defined in NRS 706.051, or a private motor carrier of property as defined in NRS 706.111 ~~[]~~ *or an operator of an interstate or intrastate charter bus service.*

Sec. 41. This act becomes effective upon passage and approval.



