

Amendment No. CA30

First Conference Committee Amendment to Assembly Bill No. 505 Second Reprint (BDR 43-973)

Proposed by: First Conference Committee

Amendment Box:

Resolves Conflicts with: N/A

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: No

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of A.B. 505 R2 (§§ 53, 65, 84, 110, 132).

Amend sec. 33, page 27, by deleting lines 22 through 29 and inserting:

“3. The Commission may employ ~~such~~ :

(a) *Such* other clerks, experts , ~~for~~ engineers *or other persons* as may be necessary ~~and~~ ; and

(b) *Peace officers in any position it deems necessary for the regulation of transportation services which are under the jurisdiction of the Commission.*”.

Amend the bill as a whole by renumbering sec. 128 as sec. 129 and adding a new section designated sec. 128, following sec. 127, to read as follows:

“**Sec. 128.** NRS 706.88185 is hereby amended to read as follows:

706.88185 1. When the Taxicab Authority has reason to believe that any provision of NRS 706.881 to 706.885, inclusive, is being violated, the Taxicab Authority shall investigate the alleged violation. After a hearing the Taxicab Authority may issue an order requiring that the certificate

JCB/SGW

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A.B. No. 505—Revises provisions relating to registration of certain motor vehicles and abolishes Transportation Services Authority.



holder *or a driver* cease and desist from any action that is in violation of NRS 706.881 to 706.885, inclusive.

2. The Taxicab Authority shall enforce an order issued pursuant to subsection 1 in accordance with the provisions of NRS 706.881 to 706.885, inclusive.”.

Amend the bill as a whole by renumbering sections 129 through 140 as sections 134 through 145 and adding new sections designated sections 130 through 133, following sec. 128, to read as follows:

“**Sec. 130.** NRS 706.8822 is hereby amended to read as follows:

706.8822 The Administrator shall conduct administrative hearings and make final decisions, subject to appeal by any aggrieved party to the Taxicab Authority, in the following matters:

1. Any violation relating to the issuance of or transfer of license plates for motor carriers required by either the Taxicab Authority or the Department of Motor Vehicles;
2. Complaints against certificate holders;
3. Complaints against taxicab drivers ~~[H]~~, *including, without limitation, a complaint alleging a violation of NRS 706.8846;*
4. Applications for, or suspension or revocation of, drivers’ permits which may be required by the Administrator; and
5. Imposition of monetary penalties.

Sec. 131. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver’s permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver’s permit, the Administrator shall:

(a) Require the applicant to submit a complete set of his fingerprints which the Administrator may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

- (1) Has been a resident of the State for 30 days before his application for a permit;
- (2) Can read and orally communicate in the English language; and
- (3) Has a valid license issued under NRS 483.325 which authorizes him to drive a taxicab in this State.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony relating to the practice of taxicab drivers in this State or any other jurisdiction at any time before the date of the application;

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

(c) A violation of NRS 484.379 or 484.3795 or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application; ~~{or}~~

(d) A violation of section 10 of ~~{this act}~~ *chapter 63, Statutes of Nevada 2005*, or a law of any other jurisdiction that prohibits the same or similar conduct ~~{-}~~; *or*

(e) A third violation of a provision of NRS 706.8846.

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, \$40 for an original driver's permit and \$10 for a renewal.

Sec. 132. NRS 706.8848 is hereby amended to read as follows:

706.8848 1. If a driver violates any provision of NRS 706.8844 ~~[to 706.8847, inclusive,]~~, *706.8845 or 706.8847*, the Administrator may impose the following sanctions:

- (a) First offense: Warning notice or a fine of not more than \$100, or both warning and fine.
- (b) Second offense: 1 to 3 days' suspension of a driver's permit or a fine of not more than \$200, or both suspension and fine.
- (c) Third offense: 4 to 6 days' suspension of a driver's permit or a fine of not more than \$300, or both suspension and fine.
- (d) Fourth offense: 10 days' suspension of a driver's permit or a fine of not more than \$500, or both suspension and fine.
- (e) Fifth offense: Revocation of a driver's permit or a fine of not more than \$500, or both revocation and fine.

2. *If a driver violates any provision of NRS 706.8846, the Administrator may impose the following sanctions:*

- (a) For a first offense, a warning notice or a fine of not more than \$100, or both warning and fine.*

(b) For a second offense, a suspension of his driver's permit for not more than 3 days or a fine of not more than \$200, or both suspension and fine.

(c) For a third offense, revocation of his driver's permit or a fine of not more than \$500, or both revocation and fine.

3. Only violations occurring in the 12 months immediately preceding the most current violation shall be considered for the purposes of subsection 1 ~~1.~~ *or 2.* The Administrator shall inspect the driver's record for that period to compute the number of offenses committed.

~~13.~~ 4. The Administrator shall conduct a hearing prior to suspension or revocation of a driver's permit or imposing a fine under this section or NRS 706.8849.

Sec. 133. NRS 706.8849 is hereby amended to read as follows:

706.8849 1. A taxicab driver shall:

(a) Ensure that the fare indicator on the taximeter of his taxicab reads zero before the time that the taxicab is engaged.

(b) Ensure that the taximeter of his taxicab is engaged while the taxicab is on hire.

(c) Not make any charge for the transportation of a passenger other than the charge shown on the taximeter.

(d) *Not accept a tip, gift, gratuity, money, fee or any other valuable consideration of any kind from a person who has been issued a license by a board of county commissioners, a county liquor board, a county licensing board or the city council or other governing body of an incorporated city for the conveyance of a passenger to the location of the person who holds the license.*

(e) Not alter, manipulate, tamper with or disconnect a sealed taximeter or its attachments nor make any change in the mechanical condition of the wheels, tires or gears of a taxicab with intent to cause false registration on the taximeter of the passenger fare.

~~(e)~~ (f) Not remove or alter fare schedules which have been posted in his taxicab by the certificate holder.

~~(f)~~ (g) Not permit any person or persons other than the person who has engaged the taxicab to ride therein unless the person who has engaged the taxicab requests that the other person or persons ride in the taxicab. If more than one person is loaded by the taxicab driver as set forth in this paragraph, the driver shall, when one of the persons leaves the taxicab, charge that person the fare on the meter and reset the taximeter.

~~(g)~~ (h) Not drive a taxicab or go on duty while under the influence of, or impaired by, any controlled substance, dangerous drug, or intoxicating liquor or drink intoxicating liquor while on duty.

~~(h)~~ (i) Not use or consume controlled substances or dangerous drugs which impair a person's ability to operate a motor vehicle at any time, or use or consume any other controlled substances or dangerous drugs at any time except in accordance with a lawfully issued prescription.

~~(i)~~ (j) Not operate a taxicab without a valid driver's permit issued pursuant to NRS 706.8841 and a valid driver's license issued pursuant to NRS 483.325 in his possession.

~~(j)~~ (k) Obey all provisions and restrictions of his employer's certificate of public convenience and necessity.

2. If a driver violates any provision of subsection 1, the Administrator may, after a hearing, impose the following sanctions:

(a) For a first offense, 1 to 5 days' suspension of a driver's permit or a fine of not more than \$100, or both suspension and fine.

(b) For a second offense, 6 to 20 days' suspension of a driver's permit or a fine of not more than \$300, or both suspension and fine.

(c) For a third offense, a fine of not more than \$500.

↪ In addition to the other penalties set forth in this subsection, the Administrator may revoke a driver's permit for any violation of a provision of paragraph (g) of subsection 1.

3. Only violations occurring in the 12 months immediately preceding the most current violation may be considered for the purposes of subsection 2. The Administrator shall inspect the driver's record for that period to compute the number of offenses committed.

4. The Administrator shall notify the appropriate board of county commissioners, county liquor board, county licensing board or city council or other governing body of an incorporated city which issued a license to a person from whom a driver accepted a tip, gift, gratuity, money, fee or any other valuable consideration of any kind in violation of paragraph (d) of subsection 1."

Amend the title of the bill, seventh line, after "Nevada;" by inserting:

"revising provisions governing regulation of certain taxicab drivers; providing penalties;"

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning transportation. (BDR 43-973)".