

SENATE BILL NO. 401—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

MARCH 29, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Makes various changes concerning provision of certain transportation services to recipients of Medicaid. (BDR 38-1395)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~fomitted-material~~ is material to be omitted.

AN ACT relating to public welfare; requiring the Department of Human Resources to contract for the provision of transportation services for recipients of Medicaid traveling to and returning from providers of services under the State Plan for Medicaid; exempting common motor carriers and contract motor carriers that contract with the Department to provide such transportation services from the requirement of obtaining a certificate of public convenience and necessity to operate as a common motor carrier and the requirement of obtaining a permit to operate as a contract motor carrier; and providing other matters properly relating thereto.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall, to the extent authorized by federal law, contract with a common motor carrier, a contract motor carrier or a broker for the provision of transportation services to recipients of Medicaid traveling to and returning from providers of services under the State Plan for Medicaid.



1 2. The Director may adopt regulations concerning the
2 qualifications of persons who may contract with the Department to
3 provide transportation services pursuant to this section.

4 3. The Director shall:

5 (a) Require each motor carrier that has contracted with the
6 Department to provide transportation services pursuant to this
7 section to submit proof to the Department of a liability insurance
8 policy, certificate of insurance or surety which is substantially
9 equivalent in form to and is in the same amount or in a greater
10 amount than the policy, certificate or surety required by the
11 Department of Motor Vehicles pursuant to NRS 706.291 for a
12 similarly situated motor carrier; and

13 (b) Establish a program, with the assistance of the
14 Transportation Services Authority of the Department of Business
15 and Industry, to inspect the vehicles which are used to provide
16 transportation services pursuant to this section to ensure that the
17 vehicles and their operation are safe.

18 4. As used in this section:

19 (a) "Broker" has the meaning ascribed to it in NRS 706.021.

20 (b) "Common motor carrier" has the meaning ascribed to it in
21 NRS 706.036.

22 (c) "Contract motor carrier" has the meaning ascribed to it in
23 NRS 706.051.

24 Sec. 2. NRS 422.240 is hereby amended to read as follows:

25 422.240 1. Money to carry out the provisions of NRS
26 422.001 to 422.410, inclusive, *and section 1 of this act* and
27 422.580, including, without limitation, any federal money allotted to
28 the State of Nevada pursuant to the program to provide Temporary
29 Assistance for Needy Families and the Program for Child Care and
30 Development, must, except as otherwise provided in NRS 422.3755
31 to 422.379, inclusive, and 439.630, be provided by appropriation by
32 the Legislature from the State General Fund.

33 2. Disbursements for the purposes of NRS 422.001 to 422.410,
34 inclusive, *and section 1 of this act* and 422.580 must, except as
35 otherwise provided in NRS 422.3755 to 422.379, inclusive, and
36 439.630, be made upon claims duly filed and allowed in the same
37 manner as other money in the State Treasury is disbursed.

38 Sec. 3. NRS 706.745 is hereby amended to read as follows:

39 706.745 1. The provisions of NRS 706.386 and 706.421 do
40 not apply to ~~ambulances or hearses~~ :

41 (a) Ambulances;

42 (b) Hearses; or

43 (c) Common motor carriers or contract motor carriers that are
44 providing transportation services pursuant to a contract with the



Department of Human Resources entered into pursuant to section 1 of this act.

2. A common motor carrier that enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transit consisting of:

(a) Regular routes and fixed schedules;

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

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

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

3. Under any agreement for a system of public transit that provides for the transportation of passengers that is described in subsection 2:

(a) The public entity shall provide for any required safety inspections; or

(b) If the public entity is unable to do so, the Authority shall provide for any required safety inspections.

4. In addition to the requirements of subsection 3, under an agreement for a system of public transit that provides for the transportation of passengers that is described in:

(a) Paragraph (a) of subsection 2, the public entity shall establish the routes and fares.

(b) Paragraph (c) or (d) of subsection 2, the common motor carrier:

(1) May provide transportation to any passenger who can board a vehicle with minimal assistance from the operator of the vehicle.

(2) Shall not offer medical assistance as part of its transportation service.

5. A nonprofit carrier of elderly or disabled persons is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but such a carrier is not exempt from inspection by the Authority to determine whether its vehicles and their operation are safe.

6. An incorporated city, county or regional transportation commission is not required to obtain a certificate of public



1 convenience and necessity to operate a system of public
2 transportation.

3 7. Before an incorporated city or a county enters into an
4 agreement with a common motor carrier for a system of public
5 transit that provides for the transportation of passengers that is
6 described in paragraph (c) or (d) of subsection 2 in an area of the
7 incorporated city or an area of the county, it must determine that:

8 (a) There are no other common motor carriers of passengers
9 who are authorized to provide such services in that area; or

10 (b) Although there are other common motor carriers of
11 passengers who are authorized to provide such services in the area,
12 the common motor carriers of passengers do not wish to provide, or
13 are not capable of providing, such services.

14 **Sec. 4.** This act becomes effective upon passage and approval.

