

SENATE BILL NO. 107—SENATOR WASHINGTON

FEBRUARY 19, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Abolishes the Transportation Services Authority and transfers its duties and responsibilities to various governmental entities. (BDR 58-24)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; abolishing the Transportation Services Authority and transferring the duties and responsibilities; authorizing certain local governmental entities to assume regulatory authority over taxicabs and limousines based within the jurisdiction of the governmental entity; establishing the Consumer Affairs Division Regulatory Fund and the Nevada Highway Patrol Regulatory Fund; eliminating the Transportation Services Authority Regulatory Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 156** of this bill eliminates the Transportation Services Authority as a
2 Division of the Department of Business and Industry. (NRS 232.510)
3 **Sections 1-16, 66-70, 81-91, 95, 96 and 150-154** of this bill transfer from the
4 Transportation Services Authority to the Consumer Affairs Division of the
5 Department of Business and Industry the duties and responsibilities for regulating
6 carriers of household goods and related storage facilities, including, without
7 limitation, the authority to adopt regulations, investigate complaints, hold hearings,
8 and issue certificates of public convenience and necessity. (NRS 706.282-706.2865,
9 706.311, 706.321, 706.396, 712.020-712.070) **Sections 19-39 and 97-105**
10 of this bill transfer from the Transportation Services Authority to the Nevada
11 Highway Patrol the duties and responsibilities for regulating operators of tow cars,
12 including, without limitation, the authority to adopt regulations, investigate
13 complaints, hold hearings, and issue certificates of public convenience and
14 necessity. (NRS 706.445-706.451)



Section 6 of this bill creates the Consumer Affairs Division Regulatory Fund in which all money relating to carriers of household goods, collected by the Division, will be deposited. **Section 21** of this bill creates the Nevada Highway Patrol Regulatory Fund in which all money relating to tow car operators, collected by the Nevada Highway Patrol, will be deposited.

Sections 52-60, 71-74, 92-94 and 106-110 of this bill transfer from the Transportation Services Authority to the Department of Motor Vehicles the duties and responsibilities for regulating common and contract carriers which are not carriers of household goods, including, without limitation, the authority to adopt regulations and issue certificates of public convenience and necessity. (NRS 706.166-706.173, 706.2885, 706.431, 706.457-706.779)

Sections 75-80, 123-126 and 158-163 of this bill allow a board of county commissioners to provide by ordinance for the licensing and regulation of taxicabs and limousines that are based within the county. (NRS 268.097, 706.305-706.3058, 706.881-706.8814)

Section 127 of this bill expands the Taxicab Authority's regulatory responsibilities to include adopting regulations for the limousine business in addition to the taxicab business. (NRS 706.8818)

Section 143 of this bill prohibits a limousine driver from driving or being on duty while impaired by alcohol, a controlled substance or a dangerous drug, and provides that impairment may result in revocation of a driver's permit. (NRS 706.8849)

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 45, inclusive, of this act.

Sec. 2. *“Carrier of household goods” means any person engaged in the intrastate transportation of household goods.*

Sec. 3. *“Consumer Affairs Division” means the Consumer Affairs Division of the Department of Business and Industry.*

Sec. 4. *The Consumer Affairs Division shall:*

1. To the extent provided in this chapter, supervise and regulate carriers of household goods.

2. Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

3. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more carriers of household goods relating to:

- (a) Fares of carriers of household goods;*
- (b) All rates of carriers of household goods;*
- (c) Classifications;*
- (d) Divisions;*
- (e) Allowances; and*



(f) All charges of carriers of household goods, including charges between carriers and compensation paid or received for the use of facilities and equipment.

↳ The regulations may not provide for collective agreements which restrain any party from taking free and independent action.

Sec. 5. 1. The Consumer Affairs Division may:

(a) Adopt regulations governing the administration and enforcement of the provisions of this chapter for which it is responsible.

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

(c) Require such reports and the maintenance of such records as it determines necessary for the administration and enforcement of the provisions of this chapter for which it is responsible.

(d) Except as otherwise provided in this section, examine, at any time during the business hours of the day, the books, papers and records of any carrier of household goods to the extent necessary to carry out the duties of the Consumer Affairs Division. The Consumer Affairs Division may examine in other states or require by subpoena the production inside this State of such books, papers and records as are not maintained in this State.

2. The personnel records of an employee of a carrier of household goods may not be examined pursuant to paragraph (d) of subsection 1 unless the records contain information relating to a matter of public safety or the Consumer Affairs Division determines that the examination is required to protect the interests of the public.

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

(a) The name of the employee who is the subject of the record;

(b) The gross compensation and perquisites of the employee;

(c) Any record of the business expenses of the employee;

(d) The title or any description of the position held by the employee;

(e) The qualifications required for the position held by the employee;

(f) The business address of the employee;

(g) The telephone number of the employee at his place of business;

(h) The work schedule of the employee;

(i) The date on which the employee began his employment; and



(j) If applicable, the date on which the employment of the employee was terminated.

Sec. 6. 1. The Consumer Affairs Division Regulatory Fund is hereby created as a special revenue fund. All money collected by the Consumer Affairs Division pursuant to this chapter must be deposited in the State Treasury for credit to the Fund.

2. Money in the Fund may be used only to defray the costs of:

(a) Maintaining staff and equipment required to regulate adequately persons subject to the jurisdiction of the Consumer Affairs Division;

(b) Participating in all proceedings relevant to the jurisdiction of the Consumer Affairs Division;

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation; or

(d) The salaries, travel expenses and subsistence allowances of the members of the Consumer Affairs Division charged with carrying out the duties of the Consumer Affairs Division in accordance with this chapter.

3. All claims against the Fund must be paid as other claims against the State are paid.

4. The Consumer Affairs Division must furnish upon request a statement showing the balance remaining in the Fund as of the close of the preceding fiscal year.

Sec. 7. The Attorney General shall:

1. Act as counsel and attorney for the Consumer Affairs Division in all actions, proceedings and hearings conducted pursuant to the provisions of this chapter for which the Consumer Affairs Division is responsible;

2. Prosecute in the name of the Consumer Affairs Division all civil actions for the enforcement of the provisions of this chapter for which the Consumer Affairs Division is responsible and for the recovery of any penalty or forfeiture provided for therein; and

3. Generally assist the Consumer Affairs Division in the performance of its duties and the enforcement of the provisions of this chapter for which the Consumer Affairs Division is responsible.

Sec. 8. The Consumer Affairs Division may, in carrying out its duties:

1. Cooperate with the Federal Government and its departments and agencies;

2. Confer with the regulatory agencies of other states on matters of mutual concern and benefit to persons served by carriers of household goods in this State; and



3. *Use the services, records, facilities and cooperation of federal and state regulatory agencies and hold joint hearings and participate in joint conferences to reach decisions in matters that require cooperation. All necessary expenses incurred in attending hearings and conferences outside this State are a charge against the State and must be paid as other claims against the State are paid.*

Sec. 9. *The Consumer Affairs Division may by subpoena require any person believed by it to be subject to any of the provisions of NRS 706.011 to 706.791, inclusive, and sections 2 to 41, inclusive, of this act relating to carriers of household goods, who has not obtained a required certificate of public convenience and necessity issued in accordance with those sections, to appear before it with all of his relevant books, papers and records and to testify concerning the scope, nature and conduct of his business.*

Sec. 10. 1. *The district court in and for the county in which any investigation or hearing is being conducted by the Consumer Affairs Division pursuant to the provisions of this chapter may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the Consumer Affairs Division.*

2. *If any witness refuses to attend or testify or produce any papers required by such a subpoena, the Consumer Affairs Division may report to the district court in and for the county in which the investigation or hearing is pending by petition, setting forth:*

(a) *That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;*

(b) *That the witness has been subpoenaed in the manner prescribed in this chapter; and*

(c) *That the witness has failed and refused to attend or produce the papers required by subpoena in the investigation or hearing named in the subpoena, or has refused to answer questions propounded to him in the course of the investigation or hearing,*

and requesting an order of the court compelling the witness to attend and testify or produce the books or papers.

3. *The court, upon petition of the Consumer Affairs Division, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the Consumer Affairs Division. A certified copy of the order must be served upon the*



1 *witness. If it appears to the court that the subpoena was regularly*
2 *issued, the court shall thereupon enter an order that the witness*
3 *appear at the time and place fixed in the order and testify or*
4 *produce the required books or papers, and upon failure to obey the*
5 *order, the witness must be dealt with as for contempt of court.*

6 **Sec. 11.** 1. *A certificate of public convenience and necessity*
7 *issued by the Consumer Affairs Division in accordance with this*
8 *chapter is not a franchise and may be revoked.*

9 2. *The Consumer Affairs Division may at any time, for good*
10 *cause shown, after investigation and hearing and upon 5 days'*
11 *written notice to the grantee, suspend a certificate issued in*
12 *accordance with the provisions of NRS 706.011 to 706.791,*
13 *inclusive, and sections 2 to 16, inclusive, of this act for a period*
14 *not to exceed 60 days.*

15 3. *Upon receipt of a written complaint or on its own motion,*
16 *the Consumer Affairs Division may, after investigation and*
17 *hearing, revoke any certificate. If service of the notice required by*
18 *subsection 2 cannot be made or if the grantee relinquishes his*
19 *interest in the certificate by so notifying the Consumer Affairs*
20 *Division in writing, the Consumer Affairs Division may revoke the*
21 *certificate without a hearing.*

22 4. *The proceedings after the certificate is revoked are*
23 *governed by the provisions of chapter 233B of NRS.*

24 **Sec. 12.** 1. *Except as otherwise provided in subsection 2,*
25 *any person who:*

26 (a) *Operates as a carrier of household goods without first*
27 *obtaining a certificate of public convenience and necessity, or*
28 *operates as a carrier of household goods in violation of the terms*
29 *thereof;*

30 (b) *Violates, or procures, aids or abets the violating of, any*
31 *provision of NRS 706.011 to 706.791, inclusive, and sections 2 to*
32 *16, inclusive, of this act, relating to carriers of household goods;*

33 (c) *Fails to obey any order, decision or regulation of the*
34 *Consumer Affairs Division;*

35 (d) *Procures, aids or abets any person in his failure to obey*
36 *such an order, decision or regulation of the Consumer Affairs*
37 *Division;*

38 (e) *Advertises, solicits, proffers bids or otherwise holds himself*
39 *out to perform transportation as a carrier of household goods in*
40 *violation of any of the provisions of NRS 706.011 to 706.791,*
41 *inclusive, and sections 2 to 16, inclusive, of this act;*

42 (f) *Advertises as providing the services of a carrier of*
43 *household goods without including the number of his certificate of*
44 *public convenience and necessity;*



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

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

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

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

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

14 (l) Refuses or fails to surrender to the Consumer Affairs
15 Division any certificate, license or identifying device which has
16 been suspended, cancelled or revoked pursuant to the provisions
17 of this chapter,

18 ➔ is guilty of a misdemeanor, and upon conviction thereof shall
19 be punished by a fine of not less than \$100 or more than \$1,000,
20 or by imprisonment in the county jail for not more than 6 months,
21 or by both fine and imprisonment.

22 2. Any person who, in violation of the provisions of NRS
23 706.386, operates as a carrier of household goods without first
24 obtaining a certificate of public convenience and necessity is
25 guilty of a misdemeanor and shall be punished:

26 (a) For a first offense within a period of 12 consecutive
27 months, by a fine of not less than \$500 or more than \$1,000. In
28 addition to the fine, the person may be punished by imprisonment
29 in the county jail for not more than 6 months.

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

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

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

42 5. Any bail allowed must not be less than the appropriate fine
43 provided for this section.

44 **Sec. 13. 1.** It is unlawful for any person to advertise
45 services as a carrier of household goods for which a certificate of



1 *public convenience and necessity is required pursuant to NRS*
2 *706.011 to 706.791, inclusive, and sections 2 to 16, inclusive, of*
3 *this act unless the person has been issued such a certificate.*

4 *2. If, after notice and a hearing, the Consumer Affairs*
5 *Division finds that a person has engaged in advertising in a*
6 *manner that violates the provisions of this section, the Consumer*
7 *Affairs Division may, in addition to any penalty, punishment or*
8 *disciplinary action authorized by the provisions of NRS 706.011 to*
9 *706.791, inclusive, and sections 2 to 16, inclusive, of this act, issue*
10 *an order to the person to cease and desist the unlawful advertising*
11 *and to:*

12 *(a) Cause any telephone number included in the advertising,*
13 *other than a telephone number to a provider of paging services, to*
14 *be disconnected.*

15 *(b) Request the provider of paging services to change the*
16 *number of any beeper which is included in the advertising or*
17 *disconnect the paging services to such a beeper, and to inform the*
18 *provider of paging services that the request is made pursuant to*
19 *this section.*

20 *3. If a person fails to comply with paragraph (a) of subsection*
21 *2 within 5 days after the date that he receives an order pursuant to*
22 *subsection 2, the Consumer Affairs Division may request the*
23 *Commission to order the appropriate provider of telephone service*
24 *to disconnect any telephone number included in the*
25 *advertisement, except for a telephone number to a provider of*
26 *paging services. If a person fails to comply with paragraph (b) of*
27 *subsection 2 within 5 days after the date he receives an order*
28 *pursuant to subsection 2, the Consumer Affairs Division may*
29 *request the provider of paging services to switch the beeper*
30 *number or disconnect the paging services provided to the person,*
31 *whichever the provider deems appropriate.*

32 *4. If the provider of paging services receives a request from a*
33 *person pursuant to subsection 2 or a request from the Consumer*
34 *Affairs Division pursuant to subsection 3, the provider of paging*
35 *services shall:*

36 *(a) Disconnect the paging service to the person; or*

37 *(b) Switch the beeper number of the paging service provided to*
38 *the person.*

39 *↳ If the provider of paging services elects to switch the number*
40 *pursuant to paragraph (b), the provider shall not forward or offer*
41 *to forward the paging calls from the previous number or provide*
42 *or offer to provide a recorded message that includes the new*
43 *beeper number.*

44 *5. As used in this section:*



(a) "Advertising" includes, but is not limited to, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "carrier of household goods" with or without any limiting qualifications.

(b) "Beeper" means a portable electronic device which is used to page the person carrying it by emitting an audible or a vibrating signal when the device receives a special radio signal.

(c) "Provider of paging services" means an entity, other than a public utility, that provides paging service to a beeper.

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.

Sec. 14. 1. Any agent or person in charge of the books, accounts, records, minutes or papers of any carrier of household goods who refuses or fails for a period of 30 days to furnish the Consumer Affairs Division with any report required by the Consumer Affairs Division or who fails or refuses to permit any person authorized by the Consumer Affairs Division to inspect the books, accounts, records, minutes or papers on behalf of the Consumer Affairs Division is liable for a penalty in an amount that is not less than \$300 or more than \$500. The penalty may be recovered in a civil action upon the complaint of the Consumer Affairs Division in any court of competent jurisdiction.

2. Each day's refusal or failure is a separate offense and is subject to the penalty prescribed in this section.

Sec. 15. 1. It is unlawful for any carrier of household goods to charge, demand, collect or receive a greater or lesser compensation for any service performed by it within this State or for any service in connection therewith than is specified in its fare, rates, joint rates, charges or rules and regulations on file with the Consumer Affairs Division, or to demand, collect or receive any fare, rate or charge not specified. The rates, tolls and charges named therein are the lawful rates, tolls and charges until they are changed as provided in this chapter.

2. It is unlawful for any carrier of household goods to grant any rebate, concession or special privilege to any person which, directly or indirectly, has or may have the effect of changing the rates, tolls, charges or payments.

3. Any violation of the provisions of this section subjects the violator to the penalty prescribed in section 14 of this act.

Sec. 16. 1. Any person, or any agent or employee thereof, who violates any provision of this chapter or any regulation of the Consumer Affairs Division or who fails, neglects or refuses to obey any order of the Consumer Affairs Division or any court



1 *order for whose violation a civil penalty is not otherwise*
2 *prescribed is liable for a penalty of not more than \$10,000 for any*
3 *violation. The penalty may be recovered in a civil action upon the*
4 *complaint of the Consumer Affairs Division in any court of*
5 *competent jurisdiction.*

6 *2. If the Consumer Affairs Division does not bring an action*
7 *to recover the penalty prescribed by subsection 1, the Consumer*
8 *Affairs Division may impose an administrative fine of not more*
9 *than \$10,000 for any violation of a provision of this chapter for*
10 *which the Consumer Affairs Division is responsible or any rule,*
11 *regulation or order adopted or issued by the Consumer Affairs*
12 *Division pursuant to the provisions of this chapter. A fine imposed*
13 *by the Consumer Affairs Division may be recovered by the*
14 *Consumer Affairs Division only after notice is given and a hearing*
15 *is held pursuant to the provisions of chapter 233B of NRS.*

16 *3. All administrative fines imposed and collected by the*
17 *Consumer Affairs Division pursuant to subsection 2 are payable to*
18 *the State Treasurer and must be credited to a separate account to*
19 *be used by the Consumer Affairs Division to enforce the*
20 *provisions of this chapter for which the Consumer Affairs*
21 *Division is responsible.*

22 *4. A penalty or fine recovered pursuant to this section is not a*
23 *cost of service for purposes of rate making.*

24 **Sec. 17.** *The provisions of NRS 706.445 to 706.453,*
25 *inclusive, and sections 17 to 39, inclusive, of this act apply only to*
26 *towing services performed without the prior consent of the*
27 *operator of the vehicle or the person authorized by the owner to*
28 *operate the vehicle and operators of tow cars who provide those*
29 *towing services.*

30 **Sec. 18.** *It is unlawful, except as otherwise provided in NRS*
31 *706.163, 706.446 and 706.453, for any operator of a tow car to*
32 *perform towing services without the prior consent of the owner of*
33 *the vehicle or the person authorized by the owner to operate the*
34 *vehicle within this State without first obtaining a certificate of*
35 *public convenience and necessity from the Nevada Highway*
36 *Patrol.*

37 **Sec. 19.** *The Nevada Highway Patrol shall:*

38 *1. To the extent provided in this chapter, supervise and*
39 *regulate every operator of a tow car concerning the rates and*
40 *charges for towing services performed without the prior consent of*
41 *the owner of the vehicle or the person authorized by the owner to*
42 *operate the vehicle and pursuant to the provisions of NRS 706.445*
43 *to 706.453, inclusive, and sections 17 to 39, inclusive, of this act.*

44 *2. To carry out the policies expressed in NRS 706.151, adopt*
45 *regulations providing for agreements between two or more*



1 *operators of tow cars relating to rates and charges of operators of*
2 *tow cars for towing services performed without the prior consent*
3 *of the owner of the vehicle or the person authorized by the owner*
4 *to operate the vehicle. These regulations may not provide for*
5 *collective agreements which restrain any party from taking free*
6 *and independent action.*

7 **Sec. 20.** 1. *The Nevada Highway Patrol may collect fees for*
8 *the filing of any official document required pursuant to NRS*
9 *706.445 to 706.453, inclusive, and sections 17 to 39, inclusive, of*
10 *this act or by a regulation of the Nevada Highway Patrol.*

11 2. *Filing fees may not exceed:*

12 (a) *For applications, \$200.*

13 (b) *For petitions seeking affirmative relief, \$200.*

14 (c) *For all other documents that require public notice, \$10.*

15 3. *If an application or other document is rejected by the*
16 *Nevada Highway Patrol because it is inadequate or inappropriate,*
17 *the filing fee must be returned.*

18 4. *The Nevada Highway Patrol may not charge any fee for*
19 *filing a complaint.*

20 **Sec. 21.** 1. *The Nevada Highway Patrol Regulatory Fund is*
21 *hereby created as a special revenue fund. All money collected by*
22 *the Nevada Highway Patrol pursuant to NRS 706.445 to 706.453,*
23 *inclusive, and sections 17 to 39, inclusive, of this act must be*
24 *deposited in the State Treasury for credit to the Fund.*

25 2. *Money in the Fund may be used only to defray the costs of:*

26 (a) *Maintaining staff and equipment required to regulate*
27 *adequately persons subject to the jurisdiction of the Nevada*
28 *Highway Patrol pursuant to NRS 706.445 to 706.453, inclusive,*
29 *and sections 17 to 39, inclusive, of this act.*

30 (b) *Participating in all proceedings relevant to the jurisdiction*
31 *of the Nevada Highway Patrol pursuant to NRS 706.445 to*
32 *706.453, inclusive, and sections 17 to 39, inclusive, of this act.*

33 (c) *Audits, inspections, investigations, publication of notices,*
34 *reports and retaining consultants connected with that*
35 *maintenance and participation.*

36 (d) *The salaries, travel expenses and subsistence allowances of*
37 *the members of the Nevada Highway Patrol charged with carrying*
38 *out the duties of the Nevada Highway Patrol pursuant to NRS*
39 *706.445 to 706.453, inclusive, and sections 17 to 39, inclusive, of*
40 *this act.*

41 3. *All claims against the Fund must be paid as other claims*
42 *against the State are paid.*

43 4. *The Nevada Highway Patrol must furnish upon request a*
44 *statement showing the balance remaining in the Fund as of the*
45 *close of the preceding fiscal year.*



1 **Sec. 22.** *All advertising by an operator of a tow car must*
2 *include the number of the certificate of public necessity and*
3 *convenience issued to him by the Nevada Highway Patrol.*

4 **Sec. 23.** *1. Each operator of a tow car that advertises its*
5 *services shall provide to the person who broadcasts, publishes,*
6 *displays or distributes that advertisement the name, street address*
7 *and telephone number of the natural person who requested the*
8 *advertisement on behalf of the operator of the tow car.*

9 *2. A person who broadcasts, publishes, displays or distributes*
10 *the advertisement of an operator of a tow car shall, within 3 days*
11 *after he receives a written request from the Nevada Highway*
12 *Patrol, provide to the Nevada Highway Patrol the name, street*
13 *address and telephone number of the natural person who*
14 *requested the advertisement if that information is readily*
15 *available.*

16 **Sec. 24.** *1. If, after notice and hearing, the Nevada*
17 *Highway Patrol finds that a person has violated section 22 of this*
18 *act, the Nevada Highway Patrol may, in addition to any penalty,*
19 *punishment or disciplinary action authorized pursuant to NRS*
20 *706.445 to 706.453, inclusive, and sections 17 to 39, inclusive, of*
21 *this act, petition a court of competent jurisdiction for an*
22 *injunction prohibiting the person from continuing to:*

23 *(a) Engage in advertising that violates the provisions of section*
24 *22 of this act; or*

25 *(b) Use any telephone number mentioned in that advertising*
26 *for any purpose.*

27 *2. If the court finds that the respondent has engaged in*
28 *advertising that is unlawful pursuant to section 22 of this act, the*
29 *court shall:*

30 *(a) Enjoin him from continuing the advertising;*

31 *(b) Enjoin him from using the telephone number mentioned in*
32 *the advertising for any purpose;*

33 *(c) Issue an order that requires the telephone number*
34 *mentioned in the advertising to be disconnected; and*

35 *(d) Forward a copy of the order to the appropriate provider of*
36 *telephone service within 5 days after issuing the order.*

37 *3. As used in this section, "provider of telephone service"*
38 *includes, but is not limited to:*

39 *(a) A public utility furnishing telephone service.*

40 *(b) A provider of cellular or other service to a telephone that is*
41 *installed in a vehicle or is otherwise portable.*

42 **Sec. 25.** *The Nevada Highway Patrol may:*

43 *1. Adopt regulations governing the administration and*
44 *enforcement of the provisions of NRS 706.445 to 706.453,*
45 *inclusive, and sections 17 to 39, inclusive, of this act.*



2. *Adopt by reference any appropriate rule or regulation, as it exists at the time of adoption, issued by the United States Department of Transportation, the Surface Transportation Board and any other agency of the Federal Government.*

Sec. 26. 1. *When a complaint is made against any operator of a tow car by any person alleging that:*

(a) *Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by the operator of a tow car 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 are in any respect unreasonable or unjustly discriminatory; or*

(b) *Any of the provisions of NRS 706.445 to 706.453, inclusive, and sections 17 to 39, inclusive, of this act have been violated,*
→ *the Nevada Highway Patrol shall investigate the complaint. After receiving the complaint, the Nevada Highway Patrol shall give a copy of it to the operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the operator of a tow car shall provide the Nevada Highway Patrol with its written response to the complaint according to the regulations adopted pursuant to section 25 of this act.*

2. *If the Nevada Highway Patrol determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing pursuant to section 27 of this act.*

3. *No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in section 27 of this act.*

Sec. 27. 1. *When a hearing is required pursuant to section 26 of this act, by law, the Nevada Highway Patrol shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The Nevada Highway Patrol shall by regulation specify:*

(a) *The manner of giving notice;*

(b) *When not specified by law, the persons entitled to receive notice in each type of proceeding; and*

(c) *The procedure for holding a hearing required pursuant to section 26 of this act.*

2. *Unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the Nevada Highway Patrol a request that the hearing be held, the Nevada Highway Patrol may dispense with a hearing and act upon the matter pending.*

3. *If a request for a hearing is filed, the Nevada Highway Patrol shall give at least 10 days' notice of the hearing.*



1 4. If an operator of a tow car files an application for a license
2 or an application to transfer a license with the Nevada Highway
3 Patrol, the Nevada Highway Patrol shall give notice pursuant to
4 the provisions of subsection 1.

5 **Sec. 28.** 1. Every operator of a tow car is required to
6 furnish reasonably adequate service and facilities, and all charges
7 assessed for towing services performed without the prior consent
8 of the owner of the vehicle or the person authorized by the owner
9 to operate the vehicle must be just and reasonable.

10 2. Every unjust and unreasonable charge for service by any
11 such operator of a tow car is prohibited and shall be deemed to be
12 unlawful.

13 **Sec. 29.** 1. Every operator of a tow car shall file with the
14 Nevada Highway Patrol:

15 (a) Within the period determined by the Nevada Highway
16 Patrol, schedules for rates and charges that must:

17 (1) Be open to public inspection; and

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

23 (b) As a part of that schedule, all regulations of the operator of
24 a tow car which in any manner affect the rates charged or to be
25 charged for towing services performed without the prior consent
26 of the owner of the vehicle or the person authorized by the owner
27 to operate the vehicle and all regulations of the operator of the tow
28 car that the operator has adopted to comply with the provisions of
29 NRS 706.445 to 706.453, inclusive, and sections 17 to 39,
30 inclusive, of this act.

31 2. No changes may be made in any schedule, including
32 schedules of joint rates, or in the regulations affecting any rates or
33 charges, except upon 30 days' notice to the Nevada Highway
34 Patrol, and all those changes must be plainly indicated on any new
35 schedules filed in lieu thereof 30 days before the time they are to
36 take effect. The Nevada Highway Patrol, upon application of any
37 operator of a tow car, may prescribe a shorter period within which
38 the changes may be made.

39 3. The Nevada Highway Patrol may at any time, upon its own
40 motion, investigate any of the rates, fares, charges, regulations,
41 practices and services filed pursuant to this section and, after
42 hearing, by order, make such changes as may be just and
43 reasonable.



1 4. The Nevada Highway Patrol may dispense with the
2 hearing on any change requested in rates, fares, charges,
3 regulations, practices or service filed pursuant to this section.

4 5. All rates, fares, charges, classifications and joint rates,
5 regulations, practices and services fixed by the Nevada Highway
6 Patrol for an operator of a tow car are in force, and are prima
7 facie lawful, from the date of the order until changed or modified
8 by the Nevada Highway Patrol.

9 6. All regulations, practices and services prescribed by the
10 Nevada Highway Patrol must be enforced and are prima facie
11 reasonable unless suspended or found otherwise in an action
12 brought for the purpose, or until changed or modified by the
13 Nevada Highway Patrol itself upon satisfactory showing made.

14 **Sec. 30.** 1. A license issued by the Nevada Highway Patrol
15 pursuant to NRS 706.445 to 706.453, inclusive, and sections 17 to
16 39, inclusive, of this act is not a franchise and may be revoked.

17 2. The Nevada Highway Patrol may at any time, for good
18 cause shown, after investigation and hearing and upon 5 days'
19 written notice to the grantee, suspend any license issued in
20 accordance with the provisions of NRS 706.445 to 706.453,
21 inclusive, and sections 17 to 39, inclusive, of this act for a period
22 not to exceed 60 days.

23 3. Upon receipt of a written complaint or on its own motion,
24 the Nevada Highway Patrol may, after investigation and hearing,
25 revoke any license which it issues to an operator of a tow car
26 pursuant to NRS 706.445 to 706.453, inclusive, and sections 17 to
27 39, inclusive, of this act. If service of the notice required by
28 subsection 2 cannot be made or if the operator of a tow car
29 relinquishes his interest in the certificate by so notifying the
30 Nevada Highway Patrol in writing, the Nevada Highway Patrol
31 may revoke the certificate without a hearing.

32 4. The proceedings thereafter are governed by the provisions
33 of chapter 233B of NRS.

34 **Sec. 31.** An operator of a tow car shall, in the manner
35 prescribed by the Nevada Highway Patrol, notify the Nevada
36 Highway Patrol if the operator discontinues providing towing
37 services from an operating terminal or establishes a new operating
38 terminal from which a tow car provides towing services within 30
39 days after the operator discontinues providing towing services
40 from an operating terminal or commences operations at the new
41 terminal.

42 **Sec. 32.** The rates for towing services performed without the
43 prior consent of the owner of the vehicle or the person authorized
44 by the owner to operate the vehicle must be printed in plain type
45 and posted in every office of the operator of a tow car where



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

4 **Sec. 33.** *The Attorney General shall:*

5 *1. Act as counsel and attorney for the Nevada Highway*
6 *Patrol in all actions, proceedings and hearings.*

7 *2. Prosecute in the name of the Nevada Highway Patrol all*
8 *civil actions for the enforcement of NRS 706.445 to 706.453,*
9 *inclusive, and sections 17 to 39, inclusive, of this act and for the*
10 *recovery of any penalty or forfeiture provided for therein.*

11 *3. Generally assist the Nevada Highway Patrol in the*
12 *performance of its duties and the enforcement of NRS 706.445 to*
13 *706.453, inclusive, and sections 17 to 39, inclusive, of this act.*

14 **Sec. 34.** *The Nevada Highway Patrol may, in carrying out its*
15 *duties:*

16 *1. Cooperate with the Federal Government and its*
17 *departments and agencies.*

18 *2. Confer with the regulatory agencies of other states on*
19 *matters of mutual concern and benefit to persons served by*
20 *operators of tow cars in this State.*

21 *3. Use the services, records, facilities and cooperation of*
22 *federal and state regulatory agencies and hold joint hearings and*
23 *participate in joint conferences to reach decisions in matters that*
24 *require cooperation. All necessary expenses incurred in attending*
25 *hearings and conferences outside this State are a charge against*
26 *the State and must be paid as other claims against the State are*
27 *paid.*

28 **Sec. 35.** *The Nevada Highway Patrol may by subpoena*
29 *require any person believed by it to be subject to any of the*
30 *provisions of NRS 706.445 to 706.453, inclusive, and sections 17*
31 *to 39, inclusive, of this act, who has not obtained a required*
32 *license in accordance with those sections, to appear before it with*
33 *all of his relevant books, papers and records and to testify*
34 *concerning the scope, nature and conduct of his business.*

35 **Sec. 36.** *1. The district court in and for the county in which*
36 *any investigation or hearing is being conducted by the Nevada*
37 *Highway Patrol pursuant to the provisions of NRS 706.445 to*
38 *706.453, inclusive, and sections 17 to 39, inclusive, of this act may*
39 *compel the attendance of witnesses, the giving of testimony and*
40 *the production of books and papers as required by any subpoena*
41 *issued by the Nevada Highway Patrol.*

42 *2. If any witness refuses to attend or testify or produce any*
43 *papers required by such a subpoena, the Nevada Highway Patrol*
44 *may report to the district court in and for the county in which the*
45 *investigation or hearing is pending by petition, setting forth:*



1 (a) That due notice has been given of the time and place of
2 attendance of the witness or the production of the books and
3 papers;

4 (b) That the witness has been subpoenaed in the manner
5 prescribed in this chapter; and

6 (c) That the witness has failed and refused to attend or
7 produce the papers required by subpoena in the investigation or
8 hearing named in the subpoena, or has refused to answer
9 questions propounded to him in the course of the investigation or
10 hearing,

11 ➔ and requesting an order of the court compelling the witness to
12 attend and testify or produce the books or papers.

13 3. The court, upon petition of the Nevada Highway Patrol,
14 shall enter an order directing the witness to appear before the
15 court at a time and place to be fixed by the court in the order, the
16 time to be not more than 10 days after the date of the order, and
17 then and there show cause why he has not attended or testified or
18 produced the books or papers before the Nevada Highway Patrol.
19 A certified copy of the order must be served upon the witness. If it
20 appears to the court that the subpoena was regularly issued, the
21 court shall thereupon enter an order that the witness appear at
22 the time and place fixed in the order and testify or produce the
23 required books or papers, and upon failure to obey the order, the
24 witness must be dealt with as for contempt of court.

25 **Sec. 37. 1.** It is unlawful for an operator of a tow car to
26 charge, demand, collect or receive a greater or lesser
27 compensation for any service performed by it within this State or
28 for any service in connection therewith than is specified in its fare,
29 rates, joint rates, charges or rules and regulations on file with the
30 Nevada Highway Patrol, or to demand, collect or receive any fare,
31 rate or charge not specified. The rates, tolls and charges named
32 therein are the lawful rates, tolls and charges until they are
33 changed as provided in NRS 706.445 to 706.453, inclusive, and
34 sections 17 to 39, inclusive, of this act.

35 2. It is unlawful for any operator of a tow car to grant any
36 rebate, concession or special privilege to any person which,
37 directly or indirectly, has or may have the effect of changing the
38 rates, tolls, charges or payments.

39 3. An operator of a tow car who violates any provision of this
40 section is liable for a civil penalty of not more than \$500. The
41 penalty may be recovered in a civil action upon the complaint of
42 the Nevada Highway Patrol in any court of competent jurisdiction.

43 **Sec. 38. 1.** Any person who:

44 (a) Operates a tow car or provides towing services to which the
45 provisions of NRS 706.445 to 706.453, inclusive, and sections 17



1 *to 39, inclusive, of this act apply without first obtaining a license,*
2 *or operates a tow car or provides towing services in violation of the*
3 *terms of the license;*

4 (b) *Violates, or procures, aids or abets the violating of, any*
5 *provision of NRS 706.445 to 706.453, inclusive, and sections 17 to*
6 *39, inclusive, of this act;*

7 (c) *Fails to obey any order, decision or regulation of the*
8 *Nevada Highway Patrol;*

9 (d) *Procures, aids or abets any person in his failure to obey*
10 *such an order, decision or regulation of the Nevada Highway*
11 *Patrol;*

12 (e) *Advertises, solicits, proffers bids or otherwise holds himself*
13 *out to perform towing services in violation of any of the provisions*
14 *of NRS 706.445 to 706.453, inclusive, and sections 17 to 39,*
15 *inclusive, of this act;*

16 (f) *Advertises as providing towing services without including*
17 *the number of his license;*

18 (g) *Knowingly offers, gives, solicits or accepts any rebate,*
19 *concession or discrimination in violation of the provisions of this*
20 *chapter;*

21 (h) *Knowingly, willfully and fraudulently seeks to evade or*
22 *defeat the purposes of this chapter;*

23 (i) *Operates or causes to be operated a vehicle which does not*
24 *have the proper identifying device;*

25 (j) *Displays, or causes or permits to be displayed, a certificate,*
26 *license or identifying device, knowing it to be fictitious or to have*
27 *been cancelled, revoked, suspended or altered;*

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

31 (l) *Refuses or fails to surrender to the Nevada Highway Patrol*
32 *any certificate, license or identifying device which has been*
33 *suspended, cancelled or revoked pursuant to the provisions of this*
34 *chapter,*

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

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

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

43 **Sec. 39.** 1. *Any person, or any agent or employee thereof,*
44 *who violates any provision of NRS 706.445 to 706.453, inclusive,*
45 *and sections 17 to 39, inclusive, of this act or any regulation of the*



1 *Nevada Highway Patrol or who fails, neglects or refuses to obey*
2 *any order of the Nevada Highway Patrol or any court order for*
3 *whose violation a civil penalty is not otherwise prescribed is liable*
4 *for a penalty of not more than \$10,000. The penalty may be*
5 *recovered in a civil action upon the complaint of the Nevada*
6 *Highway Patrol in any court of competent jurisdiction.*

7 2. *If the Nevada Highway Patrol does not bring an action to*
8 *recover the penalty prescribed by subsection 1, the Nevada*
9 *Highway Patrol may impose an administrative fine of not more*
10 *than \$10,000 for any violation of a provision of NRS 706.445 to*
11 *706.453, inclusive, and sections 17 to 39, inclusive, of this act or*
12 *any rule, regulation or order adopted or issued by the Nevada*
13 *Highway Patrol pursuant to the provisions of NRS 706.445 to*
14 *706.453, inclusive, and sections 17 to 39, inclusive, of this act. A*
15 *fine imposed by the Nevada Highway Patrol may be recovered by*
16 *the Nevada Highway Patrol only after notice is given and a*
17 *hearing is held pursuant to the provisions of chapter 233B of*
18 *NRS.*

19 3. *All administrative fines imposed and collected by the*
20 *Nevada Highway Patrol pursuant to subsection 2 are payable to*
21 *the State Treasurer and must be credited to a separate account to*
22 *be used by the Nevada Highway Patrol to enforce the provisions of*
23 *NRS 706.445 to 706.453, inclusive, and sections 17 to 39,*
24 *inclusive, of this act.*

25 **Sec. 40.** *As used in NRS 706.291 to 706.306, inclusive,*
26 *“governing body of a local governmental entity” means:*

27 1. *A board of county commissioners of a county which has,*
28 *pursuant to section 158 of this act, enacted an ordinance to license*
29 *and regulate taxicabs and limousines based in that county; and*

30 2. *The governing body of an incorporated city which has,*
31 *pursuant to NRS 268.097, enacted an ordinance to license and*
32 *regulate taxicabs and limousines based in that incorporated city.*

33 **Sec. 41.** *The Attorney General or any district attorney may*
34 *prosecute any violation of this chapter or chapter 712 of NRS for*
35 *which a criminal penalty is provided.*

36 **Sec. 42.** *“Limousine” includes a livery limousine and a*
37 *traditional limousine.*

38 **Sec. 43.** 1. *In a county whose population is less than*
39 *400,000, a person who holds a certificate of public convenience*
40 *and necessity which was issued for the operation of a taxicab*
41 *business may, upon approval from the Taxicab Authority, lease a*
42 *taxicab to an independent contractor who does not hold a*
43 *certificate of public convenience and necessity. A person may*
44 *lease only one taxicab to each independent contractor with whom*
45 *he enters into a lease agreement. The taxicab may be used only in*



1 *a manner authorized by the lessor's certificate of public*
2 *convenience and necessity.*

3 2. *A person who enters into a lease agreement with an*
4 *independent contractor pursuant to this section shall submit a*
5 *copy of the agreement to the Taxicab Authority for its approval.*
6 *The agreement is not effective until approved by the Taxicab*
7 *Authority.*

8 3. *A person who leases a taxicab to an independent*
9 *contractor is jointly and severally liable with the independent*
10 *contractor for any violation of the provisions of this chapter or the*
11 *regulations adopted pursuant thereto and shall ensure that the*
12 *independent contractor complies with such provisions and*
13 *regulations.*

14 4. *The Taxicab Authority or any of its employees may*
15 *intervene in a civil action involving a lease agreement entered into*
16 *pursuant to this section.*

17 **Sec. 44.** 1. *The Taxicab Authority shall adopt regulations*
18 *to carry out the provisions of section 43 of this act.*

19 2. *The regulations must include, without limitation:*

20 (a) *The minimum qualifications for an independent*
21 *contractor;*

22 (b) *Requirements relating to liability insurance;*

23 (c) *Minimum safety standards; and*

24 (d) *The procedure for approving a lease agreement and the*
25 *provisions that must be included in a lease agreement concerning*
26 *the grounds for the revocation of the approval.*

27 **Sec. 45.** 1. *Notwithstanding any provision of NRS 706.881*
28 *to 706.885, inclusive, and sections 42 to 45, inclusive, of this act to*
29 *the contrary, if the registered owner of a vehicle which is*
30 *impounded pursuant to NRS 706.88395 is a short-term lessor*
31 *licensed pursuant to NRS 482.363 who is engaged in the business*
32 *of renting or leasing vehicles in accordance with NRS 482.295 to*
33 *482.3159, inclusive, the registered owner is not liable for any*
34 *administrative fine or other penalty that may be imposed by the*
35 *Taxicab Authority for the operation of a passenger vehicle in*
36 *violation of NRS 706.881 to 706.885, inclusive, and sections 42 to*
37 *45, inclusive, of this act, if at the time that the vehicle was*
38 *impounded, the vehicle was in the care, custody or control of a*
39 *lessee.*

40 2. *A short-term lessor may establish that a vehicle was subject*
41 *to the care, custody or control of a lessee at the time that the*
42 *vehicle was impounded pursuant to NRS 706.88395 by submitting*
43 *to the Taxicab Authority a true copy of the lease or rental*
44 *agreement pursuant to which the vehicle was leased or rented to*
45 *the lessee by the short-term lessor. The submission of a true copy*



1 *of a lease or rental agreement is prima facie evidence that the*
2 *vehicle was in the care, custody or control of the lessee.*

3 3. *Upon the receipt of a true copy of a written lease or rental*
4 *agreement pursuant to subsection 2 which evidences that the*
5 *vehicle impounded by the Taxicab Authority pursuant to NRS*
6 *706.88395 was under the care, custody or control of a lessee and*
7 *not the registered owner of the vehicle, the Taxicab Authority*
8 *shall release the vehicle to the short-term lessor.*

9 4. *As used in this section, "short-term lessor" has the*
10 *meaning ascribed to it in NRS 482.053.*

11 **Sec. 46.** NRS 706.011 is hereby amended to read as follows:

12 706.011 As used in NRS 706.011 to 706.791, inclusive, *and*
13 *sections 2 to 41, inclusive, of this act*, unless the context otherwise
14 requires, the words and terms defined in NRS 706.013 to 706.146,
15 inclusive, *and sections 2 and 3 of this act* have the meanings
16 ascribed to them in those sections.

17 **Sec. 47.** NRS 706.036 is hereby amended to read as follows:

18 706.036 "Common motor carrier" means any person or
19 operator who holds himself out to the public as willing to transport
20 by vehicle from place to place, either upon fixed route or on-call
21 operations, passengers or property, including a common motor
22 carrier of passengers ~~[-]~~ *and* a common motor carrier of property . ~~[-~~
23 ~~and a taxicab motor carrier.]~~

24 **Sec. 48.** NRS 706.041 is hereby amended to read as follows:

25 706.041 "Common motor carrier of passengers" means any
26 person or operator ~~[-, including a taxicab motor carrier.]~~ who holds
27 himself out to the public as willing to transport by vehicle from
28 place to place, either upon fixed route or on-call operations,
29 passengers or passengers and light express for all who may choose
30 to employ him.

31 **Sec. 49.** NRS 706.085 is hereby amended to read as follows:

32 706.085 "Household goods" means personal effects and
33 property used or to be used in a dwelling which are part of the
34 equipment or supply of the dwelling and such other similar property
35 as the ~~[Authority]~~ *Consumer Affairs Division* may provide by
36 regulation. The term does not include property moving from a
37 factory or store, except property that the householder has purchased
38 with the intent to use in his dwelling and that is transported at the
39 request of, and the transportation charges paid to the carrier by, the
40 householder.

41 **Sec. 50.** NRS 706.101 is hereby amended to read as follows:

42 706.101 "Operator" means a person, other than a lienholder,
43 having a property interest in or title to a vehicle. ~~[Except as~~
44 ~~otherwise provided in this section, the]~~ *The* term includes a person
45 entitled to the use and possession of a vehicle under a lease or



1 contract for the purpose of transporting persons or property. ~~[The~~
2 ~~term does not include a person who is the lessee of a taxicab~~
3 ~~pursuant to NRS 706.473.]~~

4 **Sec. 51.** NRS 706.151 is hereby amended to read as follows:

5 706.151 1. It is hereby declared to be the purpose and policy
6 of the Legislature in enacting this chapter:

7 (a) ~~[Except to the extent otherwise provided in NRS 706.881 to~~
8 ~~706.885, inclusive, to confer upon the Authority the power and to~~
9 ~~make it the duty of the Authority to regulate fully regulated carriers,~~
10 ~~operators of tow cars and brokers of regulated services to the extent~~
11 ~~provided in this chapter and to confer upon the Department of Motor~~
12 ~~Vehicles the power to license all motor carriers and to make it the~~
13 ~~duty of the Department of Motor Vehicles and the Department of~~
14 ~~Public Safety to enforce the provisions of this chapter and the~~
15 ~~regulations adopted by the Authority pursuant to it, to relieve the~~
16 ~~undue burdens on the highways arising by reason of the use of~~
17 ~~the highways by vehicles in a gainful occupation thereon.~~

18 ~~—(b)]~~ To provide for reasonable compensation for the use of the
19 highways in gainful occupations, and enable the State of Nevada, by
20 using license fees, to provide for the proper construction,
21 maintenance and repair thereof, and thereby protect the safety and
22 welfare of the traveling and shipping public in their use of the
23 highways.

24 ~~[(e)]~~ (b) To provide for fair and impartial regulation, to promote
25 safe, adequate, economical and efficient service and to foster sound
26 economic conditions in motor transportation.

27 ~~[(d)]~~ (c) To encourage the establishment and maintenance of
28 reasonable charges for:

29 (1) Intrastate transportation by ~~[fully regulated carriers;]~~
30 *taxicabs, limousines and motor carriers subject to the jurisdiction*
31 *of the Department;* and

32 (2) Towing services performed without the prior consent of
33 the owner of the vehicle or the person authorized by the owner to
34 operate the vehicle,

35 ➤ without unjust discriminations against or undue preferences or
36 advantages being given to any motor carrier or applicant for a
37 certificate of public convenience and necessity.

38 ~~[(e)]~~ (d) To discourage any practices which would tend to
39 increase or create competition that may be detrimental to the
40 traveling and shipping public or the motor carrier business within
41 this State.

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



Sec. 52. 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.

2. A purchaser or broker of transportation services which are provided by a common motor carrier who holds a ~~certificate of public convenience and necessity~~ **permit** 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~~ **permit** of the common motor carrier. The ~~Authority~~ **Department** shall not prohibit or restrict such a 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. 53. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, **and sections 2 to 41, inclusive, of this act** relating to brokers do not apply to any person whom the ~~Authority~~ **Department** determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;

2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or

3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS ~~706.386 or~~ 706.421.

Sec. 54. NRS 706.166 is hereby amended to read as follows:

706.166 The ~~Authority shall:~~

~~1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate:~~

~~(a) Every fully regulated carrier and broker of regulated services in this State in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.~~

~~(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive.~~

~~2. Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such~~



warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

~~3. Enforce~~ **Department shall enforce** the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the ~~Authority or the Department by:~~

~~(a)~~ **provisions of this chapter by:**

1. Providing training in safety;

~~(b)~~ **2.** Reviewing and observing the programs or inspections of the carrier relating to safety; and

~~(e)~~ **3.** Conducting inspections relating to safety at the operating terminals of the carrier.

~~4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:~~

~~(a) Fares of fully regulated carriers;~~

~~(b) All rates of fully regulated carriers and rates of operators of tow cars 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;~~

~~(c) Classifications;~~

~~(d) Divisions;~~

~~(e) Allowances; and~~

~~(f) All charges of fully regulated carriers and charges of operators of tow cars 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, including charges between carriers and compensation paid or received for the use of facilities and equipment.~~

~~These regulations may not provide for collective agreements which restrain any party from taking free and independent action.~~

~~5. Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.]~~

Sec. 55. NRS 706.168 is hereby amended to read as follows:

706.168 The authority of the ~~Transportation Services Authority~~ **Department** to supervise and regulate motor carriers and brokers respectively, to the extent provided in this chapter, must be exercised separately. A motor carrier is responsible only for his own acts and those of his employees or agents who are not brokers. A broker is responsible only for his own acts and those of his employees or agents who are not motor carriers.

Sec. 56. NRS 706.169 is hereby amended to read as follows:

706.169 1. The Department of Motor Vehicles and the Department of Public Safety shall regulate the activities of common



1 and contract carriers of property other than ~~fully regulated~~ carriers
2 *of household goods* and operators of tow cars.

3 2. The Department of Motor Vehicles shall regulate the
4 licensing of private motor carriers of property used for private
5 commercial enterprises on any highway in this State.

6 **Sec. 57.** NRS 706.171 is hereby amended to read as follows:

7 706.171 1. The ~~Authority, the~~ Department of Motor
8 Vehicles and the Department of Public Safety may:

9 (a) ~~Make necessary and reasonable~~ *Adopt* regulations
10 governing the administration and enforcement of the provisions of
11 this chapter for which they are each responsible.

12 (b) Adopt by reference any appropriate rule or regulation, as it
13 exists at the time of adoption, issued by the United States
14 Department of Transportation, the Surface Transportation Board,
15 any other agency of the Federal Government or the National
16 Association of Regulatory Utility Commissioners.

17 (c) Require such reports and the maintenance of such records as
18 they determine to be necessary for the administration and
19 enforcement of this chapter.

20 (d) Except as otherwise provided in this section, examine, at any
21 time during the business hours of the day, the books, papers and
22 records of any ~~fully regulated carrier, and of any other~~ common,
23 contract or private motor carrier doing business in this State to the
24 extent necessary for their respective duties. The ~~Authority, the~~
25 Department of Motor Vehicles and the Department of Public Safety
26 may examine in other states or require by subpoena the production
27 inside this State of such books, papers and records as are not
28 maintained in this State.

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

31 2. ~~No~~ *The* personnel records of an employee of a ~~fully~~
32 ~~regulated carrier, or of any other~~ common, contract or private
33 motor carrier may *not* be examined pursuant to paragraph (d) of
34 subsection 1 unless the records contain information relating to a
35 matter of public safety or ~~the Authority,~~ the Department of Motor
36 Vehicles and the Department of Public Safety determine that the
37 examination is required to protect the interests of the public.

38 3. The Department of Motor Vehicles may adopt regulations to
39 ensure the payment of any fee due or authorized pursuant to the
40 provisions of this chapter.

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

43 (a) The name of the employee who is the subject of the record;

44 (b) The gross compensation and perquisites of the employee;

45 (c) Any record of the business expenses of the employee;



(d) The title or any description of the position held by the employee;

(e) The qualifications required for the position held by the employee;

(f) The business address of the employee;

(g) The telephone number of the employee at his place of business;

(h) The work schedule of the employee;

(i) The date on which the employee began his employment; and

(j) If applicable, the date on which the employment of the employee was terminated.

Sec. 58. NRS 706.1715 is hereby amended to read as follows:

706.1715 ~~[(a)]~~ The Attorney General shall:

~~[(a)]~~ 1. Act as counsel and attorney for the ~~[Authority]~~ *Department* in all actions, proceedings and hearings.

~~[(b)]~~ 2. Prosecute in the name of the ~~[Transportation Services Authority]~~ *Department* all civil actions for the enforcement of this chapter and for the recovery of any penalty or forfeiture provided for therein.

~~[(c)]~~ ~~Generally aid the Authority]~~

3. *Generally assist the Department* in the performance of its duties and the enforcement of this chapter.

~~[(2. The Attorney General or any district attorney may prosecute any violation of this chapter or chapter 712 of NRS for which a criminal penalty is provided.)]~~

Sec. 59. NRS 706.1717 is hereby amended to read as follows:

706.1717 The ~~[Authority]~~ *Department* may, in carrying out its duties:

1. Cooperate with the Federal Government and its departments and agencies.

2. Confer with the regulatory agencies of other states on matters of mutual concern and benefit to persons served by motor carriers of this State.

3. Use the services, records, facilities and cooperation of federal and state regulatory agencies ~~[(a)]~~ and hold joint hearings and participate in joint conferences to reach decisions in matters that require cooperation. All necessary expenses incurred in attending hearings and conferences outside this State are a charge against the State and must be paid as other claims against the State are paid.

Sec. 60. NRS 706.173 is hereby amended to read as follows:

706.173 1. The ~~[Authority, the]~~ Department of Motor Vehicles or the Department of Public Safety may, by regulation applicable to common, contract and private motor carriers of passengers and property, adopt standards for safety for drivers and vehicles.



2. The Department of Motor Vehicles or the Department of Public Safety may, by regulation applicable to all motor vehicles transporting hazardous materials, adopt standards for the transportation of hazardous materials and hazardous waste as defined in NRS 459.430.

Sec. 61. NRS 706.197 is hereby amended to read as follows:

706.197 1. The ~~[Authority]~~ *Consumer Affairs Division* may collect fees for the filing of any official document required by this chapter or by a regulation of the ~~[Authority]~~ *Consumer Affairs Division*.

2. Filing fees may not exceed:

(a) For applications, \$200.

(b) For petitions seeking affirmative relief, \$200.

~~(c) [For each tariff page that requires public notice and is not attached to an application, \$10. If more than one page is filed at one time, the total fee may not exceed the cost of notice and publication.]~~

~~—(d)—~~ For all other documents that require public notice, \$10.

3. If an application or other document is rejected by the ~~[Authority]~~ *Consumer Affairs Division* because it is inadequate or inappropriate, the filing fee must be returned.

4. The ~~[Authority]~~ *Consumer Affairs Division* may not charge any fee for filing a complaint.

Sec. 62. NRS 706.231 is hereby amended to read as follows:

706.231 Sheriffs and all other peace officers and traffic officers of this State are charged with the duty, without further compensation, of assisting in the enforcement of this chapter. They shall make arrests for this purpose when requested by an authorized agent of the Department of Motor Vehicles, the Department of Public Safety ~~[, the Authority]~~ or other competent authority.

Sec. 63. NRS 706.246 is hereby amended to read as follows:

706.246 Except as otherwise provided in NRS 706.235:

1. A common or contract motor carrier shall not permit or require a driver to drive or tow any vehicle revealed by inspection or operation to be in such condition that its operation would be hazardous or likely to result in a breakdown of the vehicle, and a driver shall not drive or tow any vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown of the vehicle. If, while any vehicle is being operated on a highway, it is discovered to be in such an unsafe condition, it may be continued in operation, except as further limited by subsection 2, only to the nearest place where repairs can safely be effected, and even that operation may be conducted only if it is less hazardous to the public than permitting the vehicle to remain on the highway.



2. A common or contract motor carrier or private motor carrier shall not permit or require a driver to drive or tow, and a driver shall not drive or tow, any vehicle which:

(a) By reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown; and

(b) Has been declared "out of service" by an authorized employee of the ~~[Authority, the]~~ Department of Motor Vehicles or the Department of Public Safety.

➔ When the repairs have been made, the carrier shall so certify to ~~[the Authority or]~~ the department that declared the vehicle "out of service," as required by ~~[the Authority or]~~ that department.

Sec. 64. NRS 706.251 is hereby amended to read as follows:

706.251 ~~[1.]~~ Every person operating a vehicle used by any motor carrier ~~[under the jurisdiction of the Authority]~~ *subject to the provisions of NRS 706.011 to 706.791, inclusive, and sections 2 to 45, inclusive, of this act* shall forthwith report each accident occurring on the public highway, wherein the vehicle may have injured the person or property of some person other than the person or property carried by the vehicle, to the sheriff or other peace officer of the county where the accident occurred. ~~[If the accident immediately or proximately causes death, the person in charge of the vehicle, or any officer investigating the accident, shall furnish to the Authority such detailed report thereof as required by the Authority.]~~

~~—2.— All accident reports required in this section must be filed in the office of the Authority and there preserved. An accident report made as required by this chapter, or any report of the Authority made pursuant to any accident investigation made by it, is not open to public inspection and must not be disclosed to any person, except upon order of the Authority. The reports must not be admitted as evidence or used for any purpose in any action for damages growing out of any matter mentioned in the accident report or report of any such investigation.]~~

Sec. 65. NRS 706.281 is hereby amended to read as follows:

706.281 1. In addition to any identifying device provided for in this chapter, each motor vehicle within the provisions of NRS 706.011 to 706.791, inclusive, *and sections 2 to 45, inclusive, of this act* must have the name of the person or operator operating the vehicle prominently and conspicuously displayed on both sides of the vehicle in such location, size and style as may be specified by the ~~[Authority.]~~ *Department, Nevada Highway Patrol or Consumer Affairs Division, as appropriate.* The display shall not be deemed advertising for the purposes of NRS 706.285 *or section 13 or 22 of this act* unless additional information about the operator is included.



1 2. This section does not apply to motor vehicles:
2 (a) Weighing 10,000 pounds or less operated by private carriers
3 and not operated in combination with any other vehicle.

4 (b) Operated by an employer for the transportation of his
5 employees, *regardless of* whether ~~for not~~ the employees pay for the
6 transportation.

7 **Sec. 66.** NRS 706.282 is hereby amended to read as follows:

8 706.282 1. Each ~~fully regulated~~ carrier *of household goods*
9 that advertises its services shall provide to the person who
10 broadcasts, publishes, displays or distributes that advertisement the
11 name, street address and telephone number of the natural person
12 who requested the advertisement on behalf of the ~~fully regulated~~
13 ~~carrier.~~ *carrier of household goods.*

14 2. A person who broadcasts, publishes, displays or distributes
15 the advertisement of a ~~fully regulated~~ carrier *of household goods*
16 shall, within 3 days after he receives a written request from the
17 ~~Authority,~~ *Consumer Affairs Division,* provide to the ~~Authority~~
18 *Division* the name, street address and telephone number of the
19 natural person who requested the advertisement if such information
20 is readily available.

21 **Sec. 67.** NRS 706.285 is hereby amended to read as follows:

22 706.285 All advertising by ~~:~~

23 ~~1. A fully regulated carrier of intrastate commerce; and~~

24 ~~2. An operator of a tow car,~~

25 ~~↪~~ *a carrier of household goods* must include the number of the
26 certificate of public convenience ~~and necessity or contract carrier's~~
27 ~~permit~~ issued to him by the ~~Authority.~~
28 *Consumer Affairs Division.*

29 **Sec. 68.** NRS 706.2855 is hereby amended to read as follows:

30 706.2855 1. If the ~~Authority~~ *Consumer Affairs Division*
31 finds, after notice and hearing, that a person has violated NRS
32 706.285, the ~~Authority~~ *Consumer Affairs Division* may, in
33 addition to any penalty, punishment or disciplinary action
34 authorized by this chapter, petition a court of competent jurisdiction
35 for an injunction prohibiting the person from continuing to:

36 (a) Engage in advertising that violates the provisions of NRS
37 706.285; or

38 (b) Use any telephone number mentioned in such advertising for
39 any purpose.

40 2. If the court finds that the respondent has engaged in
41 advertising that is unlawful pursuant to NRS 706.285, the court
42 shall:

43 (a) Enjoin him from continuing the advertising.

44 (b) Enjoin him from using the telephone number mentioned in
45 the advertising for any purpose.



(c) Issue an order that requires the telephone number mentioned in the advertising to be disconnected.

(d) Forward a copy of the order to the appropriate provider of telephone service within 5 days after issuing the order.

3. As used in this section, "provider of telephone service" includes, but is not limited to:

(a) A public utility furnishing telephone service.

(b) A provider of cellular or other service to a telephone that is installed in a vehicle or is otherwise portable.

Sec. 69. NRS 706.286 is hereby amended to read as follows:

706.286 1. When a complaint is made against any ~~{fully regulated carrier or operator of a tow ear}~~ *carrier of household goods* by any person ~~{}~~ *alleging* that:

(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by ~~{any fully regulated carrier or by any operator of a tow ear 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}~~ *the carrier of household goods* are in any respect unreasonable or unjustly discriminatory; *or*

(b) ~~{Any of the provisions of NRS 706.445 to 706.453, inclusive, have been violated;~~

~~—(c)}~~ Any regulation, measurement, practice or act directly relating to the transportation of ~~{persons or property,}~~ *household goods*, including the handling and storage of ~~{that property,}~~ *such goods*, is, in any respect, unreasonable, insufficient or unjustly discriminatory ~~{; or~~

~~—(d) Any service is inadequate,~~

~~→ the Authority},~~

→ *the Consumer Affairs Division* shall investigate the complaint. After receiving the complaint, the ~~{Authority}~~ *Consumer Affairs Division* shall give a copy of it to the carrier ~~{or operator of a tow ear}~~ *of household goods* against whom the complaint is made. Within a reasonable time thereafter, the carrier ~~{or operator of a tow ear}~~ *of household goods* shall provide the ~~{Authority}~~ *Consumer Affairs Division* with its written response to the complaint according to the regulations of the ~~{Authority,}~~ *Consumer Affairs Division*.

2. If the ~~{Authority}~~ *Consumer Affairs Division* determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.



1 **Sec. 70.** NRS 706.2865 is hereby amended to read as follows:

2 706.2865 1. When, in any matter pending before the
3 ~~{Authority,}~~ *Consumer Affairs Division*, a hearing is required by
4 law, or is normally required by the ~~{Authority, the Authority}~~
5 *Consumer Affairs Division, the Consumer Affairs Division* shall
6 give notice of the pendency of the matter to all persons entitled to
7 notice of the hearing. The ~~{Authority}~~ *Consumer Affairs Division*
8 shall by regulation specify:

9 (a) The manner of giving notice; and

10 (b) Where not specified by law, the persons entitled to notice in
11 each type of proceeding.

12 2. Unless, within 10 days after the date of the notice of
13 pendency, a person entitled to notice of the hearing files with the
14 ~~{Authority}~~ *Consumer Affairs Division* a request that the hearing be
15 held, the ~~{Authority}~~ *Consumer Affairs Division* may dispense with
16 a hearing and act upon the matter pending.

17 3. If a request for a hearing is filed, the ~~{Authority}~~ *Consumer*
18 *Affairs Division* shall give at least 10 days' notice of the hearing.

19 ~~{4. If an operator of a tow car files an application for a~~
20 ~~certificate of public convenience and necessity or an application to~~
21 ~~transfer a certificate of public convenience and necessity with the~~
22 ~~Authority, the Authority shall give notice pursuant to the provisions~~
23 ~~of subsection 1-}~~

24 **Sec. 71.** NRS 706.2885 is hereby amended to read as follows:

25 706.2885 1. A ~~{certificate of public convenience and~~
26 ~~necessity,}~~ permit or license issued *by the Department* in
27 accordance with this chapter is not a franchise and may be revoked.

28 2. The ~~{Authority}~~ *Department* may at any time, for good
29 cause shown, after investigation and hearing and upon 5 days'
30 written notice to the grantee, suspend any ~~{certificate,}~~ permit or
31 license issued in accordance with the provisions of NRS 706.011 to
32 706.791, inclusive, *and sections 2 to 41, inclusive, of this act* for a
33 period not to exceed 60 days.

34 3. Upon receipt of a written complaint or on its own motion,
35 the ~~{Authority}~~ *Department* may, after investigation and hearing,
36 revoke any ~~{certificate,}~~ permit or license. If service of the notice
37 required by subsection 2 cannot be made or if the grantee
38 relinquishes his interest in the ~~{certificate,}~~ permit or license by so
39 notifying the ~~{Authority}~~ *Department* in writing, the ~~{Authority}~~
40 *Department* may revoke the ~~{certificate,}~~ permit or license without a
41 hearing.

42 4. The proceedings thereafter are governed by the provisions of
43 chapter 233B of NRS.



1 **Sec. 72.** NRS 706.291 is hereby amended to read as follows:

2 706.291 1. ~~{The Authority shall require every fully regulated~~
3 ~~carrier and every operator of a tow car, within such time and in such~~
4 ~~amounts as the Authority may designate, to file with the Authority~~
5 ~~in a form required and approved by the Authority a liability~~
6 ~~insurance policy, or a certificate of insurance in lieu thereof, or a~~
7 ~~bond of a surety company, or other surety, in such reasonable sum~~
8 ~~as the Authority may deem necessary to protect adequately the~~
9 ~~interests of the public.~~

10 ~~—2.}~~ The Department shall require every ~~{other}~~ common and
11 contract motor carrier *, carrier of household goods, operator of a*
12 *tow car* and every private carrier, within such time and in such
13 amounts as the Department may designate, to file with the
14 Department in a form required and approved by the Department a
15 liability insurance policy, or a certificate of insurance in lieu thereof,
16 a bond of a surety company, or other surety, in such reasonable sum
17 as the Department may deem necessary to protect adequately the
18 interests of the public. In determining the amount of liability
19 insurance or other surety required of a carrier *or operator of a tow*
20 *car* pursuant to this subsection, the Department shall create a
21 separate category for vehicles with a manufacturer's gross vehicle
22 weight rating of less than 26,000 pounds and impose a lesser
23 requirement with respect to such vehicles.

24 ~~{3.}~~ 2. The liability insurance policy or certificate, policy or
25 bond of a surety company or other surety must bind the obligors
26 thereunder to pay the compensation for injuries to persons or for
27 loss or damage to property resulting from the negligent operation of
28 the carrier ~~{.~~

29 ~~—4. The Authority and the}~~ *or operator of a tow car.*

30 3. *The* Department may ~~{jointly}~~ prescribe by regulation the
31 respective amounts and forms required by ~~{subsections 1 and 2.}~~ *this*
32 *section.*

33 **Sec. 73.** NRS 706.296 is hereby amended to read as follows:

34 706.296 Every common and contract motor carrier who
35 engages in transportation intrastate and the collection of the
36 purchase price of goods sold by the shipper to the consignee shall
37 provide a bond, to be filed with the ~~{Authority,}~~ *Department* for the
38 benefit of the shipper in an amount which the ~~{Authority}~~
39 *Department* deems reasonably sufficient as an aggregate but not to
40 exceed \$1,000, to insure the shipper against any loss of the
41 ~~{moneys}~~ *money* so collected by the carrier through
42 misappropriation, negligence or other defalcations.

43 **Sec. 74.** NRS 706.303 is hereby amended to read as follows:

44 706.303 The ~~{Authority}~~ *Department* shall adopt regulations
45 requiring all operators of horse-drawn vehicles subject to its



1 regulation and supervision to maintain a contract of insurance
2 against liability for injury to persons and damage to property for
3 each such vehicle. The amounts of coverage required by the
4 regulations:

5 1. Must not exceed a total of:

6 (a) For bodily injury to or the death of one person in any one
7 accident, \$250,000;

8 (b) Subject to the limitations of paragraph (a), for bodily injury
9 to or death of two or more persons in any one accident, \$500,000;
10 and

11 (c) For injury to or destruction of property in any one accident,
12 \$50,000; or

13 2. Must not exceed a combined single-limit for bodily injury to
14 one or more persons and for injury to or destruction of property in
15 any one accident, \$500,000.

16 **Sec. 75.** NRS 706.305 is hereby amended to read as follows:

17 706.305 ~~[The Authority shall adopt regulations requiring]~~ *A*
18 *governing body of a local governmental entity shall, by ordinance,*
19 *require* all operators of taxicabs *and limousines* subject to its
20 regulation and supervision to maintain a contract of insurance
21 against liability for injury to persons and damage to property for
22 each taxicab ~~[.]~~ *and limousine*. The amounts of coverage required
23 by the ~~[regulations:]~~ *ordinance*:

24 1. Must not exceed a total of:

25 (a) For bodily injury to or the death of one person in any one
26 accident, \$250,000;

27 (b) Subject to the limitations of paragraph (a), for bodily injury
28 to or death of two or more persons in any one accident, \$500,000;
29 and

30 (c) For injury to or destruction of property in any one accident,
31 \$50,000; or

32 2. Must not exceed a combined single-limit for bodily injury to
33 one or more persons and for injury to or destruction of property in
34 any one accident, \$500,000.

35 **Sec. 76.** NRS 706.3052 is hereby amended to read as follows:

36 706.3052 1. Except as otherwise provided in subsection 2, an
37 operator of a taxicab *or limousine* may operate under a program of
38 self-insurance in compliance with the provisions of NRS 706.3054
39 or 706.3056 in lieu of the insurance against liability required ~~[by the~~
40 ~~regulations adopted]~~ pursuant to NRS 706.305.

41 2. An operator of a taxicab *or limousine* shall not operate
42 under a program of self-insurance if any judgment recovered against
43 him has not been paid in full.



Sec. 77. NRS 706.3054 is hereby amended to read as follows:

706.3054 1. In lieu of the insurance against liability required ~~{by the regulations adopted}~~ pursuant to NRS 706.305, an operator of a taxicab *or limousine* may file with the Department:

(a) A bond of a surety company authorized to transact business in this State; or

(b) A bond with at least two individual sureties each owning real property within this State, and together having equities equal in value to at least twice the amount of the bond, if the real property is scheduled in the bond and the bond is approved by a judge of a court of record.

2. Any bond filed pursuant to subsection 1 must be conditioned for payments in the amounts and under the same circumstances as would be required in a contract of insurance against liability ~~{complying with the regulations adopted}~~ pursuant to NRS 706.305. The bond may not be cancelled unless, 10 days before cancellation, written notice is given to the Department.

3. Upon the filing of notice by the Department in the office of the county clerk of the county where the real property is located, the bond constitutes a lien in favor of the State upon the real property scheduled in the bond. The lien exists in favor of any holder of a judgment against the person who has filed the bond.

4. If a judgment rendered against the principal on a bond filed pursuant to subsection 1 is not satisfied within 60 days after it has become final, the judgment creditor may, for his own use and benefit and at his own expense, bring an action in the name of the State against the company or persons executing the bond, including an action or proceeding to foreclose any lien that may exist upon the real property of a person who has executed the bond.


Sec. 78. NRS 706.3056 is hereby amended to read as follows:

706.3056 1. In lieu of the insurance against liability required ~~{by the regulations adopted}~~ pursuant to NRS 706.305, an operator of a taxicab *or limousine* may deposit with the Department:

(a) Any security in the amount of \$500,000; or

(b) An amount equal to 110 percent of the average annual costs of claims incurred by the operator for accidents involving motor vehicles during the immediately preceding 3 years,

↳ whichever is less, but in no event may the deposit be less than \$250,000. The security deposited may be in any form authorized by NRS 706.3058. The Department shall not accept a deposit unless it is accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

2. An operator of a taxicab *or limousine* depositing money with the Department pursuant to subsection 1  shall authorize



1 payments from the deposit in the amounts and under the same
2 circumstances as would be required in a contract of insurance
3 against liability which is in compliance with ~~the regulations~~
4 ~~adopted pursuant to~~ NRS 706.305.

5 3. Any security deposited must be used to satisfy any judgment
6 obtained against the depositor which is final and has not been paid
7 within 30 days after the date of the judgment, unless otherwise
8 ordered by the court issuing the judgment. A depositor, within 24
9 hours after receiving notice that the security has been used to satisfy
10 a judgment obtained against him, shall deposit with the Department
11 an amount which is necessary to maintain with the Department the
12 amount required by subsection 1. The failure to maintain the full
13 amount required by subsection 1 is a ground for the cancellation of
14 the depositor's certificate of self-insurance.

15 4. Any money collected by the Department pursuant to
16 subsection 1 must be deposited with the State Treasurer for credit to
17 a separate account in the State General Fund and used for payments
18 authorized pursuant to subsection 2 or to refund money paid by an
19 operator of a taxicab *or limousine* who is no longer participating in
20 a program of self-insurance.

21 **Sec. 79.** NRS 706.3058 is hereby amended to read as follows:

22 706.3058 For the purposes of NRS 706.3056, the Department
23 may accept from the operator of a taxicab *or limousine* any one of
24 the following forms of security, or any combination thereof:

25 1. A time certificate of deposit with any bank or credit union
26 licensed or chartered by this State or the Federal Government, made
27 payable to the operator and the Department.

28 2. Bonds and securities issued or guaranteed by the Federal
29 Government made payable to the operator and the Department.

30 3. A deposit in an amount required by NRS 706.3056 made
31 with the State Treasurer, with the Department appointed as trustee
32 of the deposit.

33 4. A surety bond submitted on behalf of the operator by any
34 surety company authorized to transact business in this State.

35 5. Any other form of security, including the net worth of the
36 operator, which is acceptable to the Department.

37 **Sec. 80.** NRS 706.306 is hereby amended to read as follows:

38 706.306 1. Any security deposited pursuant to NRS 706.3054
39 or 706.3056 must be maintained for as long as the depositor holds a
40 certificate of self-insurance or until all claims against the depositor
41 which remain outstanding have reached final judgment and are paid,
42 whichever is later.

43 2. At the time of relinquishing his certificate of self-insurance,
44 an operator of a taxicab *or limousine* shall submit to the Department
45 a properly executed affidavit indicating all claims against the



operator which are outstanding. The affidavit must contain the name of each claimant and the amount of each claim.

Sec. 81. 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 carrier is required to~~ **A carrier of household goods shall** furnish reasonably adequate service and facilities, and all transportation charges made by ~~any such~~ **the** 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 carrier or operator of a tow car~~ **a carrier of household goods** is prohibited and shall be deemed to be unlawful.

Sec. 82. 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~~ **A carrier of household goods shall file with the** ~~Authority;~~ **Consumer Affairs Division:**

(a) Within a time to be fixed by the ~~Authority, schedules and tariffs~~ **Consumer Affairs Division, schedules** that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the 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 carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~;~~

~~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~~



1 ~~that the operator has adopted to comply with the provisions of NRS~~
2 ~~706.011 to 706.791, inclusive.~~

3 ~~—3.~~, and sections 2 to 16, inclusive, of this act.

4 2. No changes may be made in any schedule, including
5 schedules of joint rates, or in the regulations affecting any rates or
6 charges, except upon 30 days' notice to the ~~[Authority.]~~ *Consumer*
7 *Affairs Division*, and all those changes must be plainly indicated on
8 any new schedules filed in lieu thereof 30 days before the time they
9 are to take effect. The ~~[Authority.]~~ *Consumer Affairs Division*,
10 upon application of ~~[any carrier.]~~ *a carrier of household goods*,
11 may prescribe a shorter time within which changes may be made.
12 ~~[The 30 days' notice is not applicable when the carrier gives written~~
13 ~~notice to the Authority 10 days before the effective date of its~~
14 ~~participation in a tariff bureau's rates and tariffs, provided the rates~~
15 ~~and tariffs have been previously filed with and approved by the~~
16 ~~Authority.~~

17 ~~—4.—The Authority]~~

18 3. *The Consumer Affairs Division* may at any time, upon its
19 own motion, investigate any of the rates, fares, charges, regulations,
20 practices and services filed pursuant to this section and, after
21 hearing, by order, make such changes as may be just and reasonable.

22 ~~[5.—The Authority]~~

23 4. *The Consumer Affairs Division* may dispense with the
24 hearing on any change requested in rates, fares, charges, regulations,
25 practices or service filed pursuant to this section.

26 ~~[6.]~~ 5. All rates, fares, charges, classifications and joint rates,
27 regulations, practices and services fixed by the ~~[Authority]~~
28 *Consumer Affairs Division* are in force, and are prima facie lawful,
29 from the date of the order until changed or modified by the
30 ~~[Authority, or pursuant to NRS 706.2883.~~

31 ~~—7.]~~ *Consumer Affairs Division.*

32 6. All regulations, practices and ~~[service]~~ *services* prescribed
33 by the ~~[Authority]~~ *Consumer Affairs Division* must be enforced and
34 are prima facie reasonable unless suspended or found otherwise in
35 an action brought for the purpose, or until changed or modified by
36 the ~~[Authority]~~ *Consumer Affairs Division* itself upon satisfactory
37 showing made.

38 **Sec. 83.** NRS 706.323 is hereby amended to read as follows:

39 706.323 1. Except as otherwise provided in subsection 2, the
40 ~~[Authority]~~ *Consumer Affairs Division* may not investigate,
41 suspend, revise or revoke any rate that is subject to the approval of
42 the ~~[Authority]~~ *Consumer Affairs Division* pursuant to NRS
43 706.321 and proposed by a ~~[common motor carrier or contract~~
44 ~~motor]~~ *carrier of household goods* because the rate is too high or
45 too low and therefore unreasonable if:



(a) The ~~[motor]~~ carrier *of household goods* notifies the ~~[Authority]~~ *Consumer Affairs Division* that it wishes to have the rate reviewed by the ~~[Authority]~~ *Consumer Affairs Division* 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]~~ *Consumer Affairs Division* to investigate, suspend, revise or revoke a proposed rate if the rate would violate the provisions of NRS 706.151.

Sec. 84. NRS 706.326 is hereby amended to read as follows:

706.326 1. Whenever there is filed with the ~~[Authority]~~ *Consumer Affairs Division* pursuant to NRS 706.321 any schedule ~~[or tariff]~~ stating a new or revised individual or joint rate, fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge, or any schedule ~~[or tariff]~~ resulting in a discontinuance, modification or restriction of service, the ~~[Authority]~~ *Consumer Affairs Division* may commence an investigation or, upon reasonable notice, hold a hearing concerning the propriety of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice.

2. Pending the investigation or hearing and the decision thereon, the ~~[Authority]~~ *Consumer Affairs Division*, upon delivering to the ~~[common or contract motor]~~ carrier *of household goods* affected thereby a statement in writing of its reasons for the suspension, may suspend the operation of the schedule ~~[or tariff]~~ and defer the use of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice, but not for a longer period than 150 days beyond the time when the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.

3. After full investigation or hearing, whether completed before or after the date upon which the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect, the ~~[Authority]~~ *Consumer Affairs Division* may make such order in reference to the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.

4. The ~~[Authority]~~ *Consumer Affairs Division* shall determine whether it is necessary to hold a hearing to consider the proposed change in any schedule stating a new or revised individual or joint rate, fare or charge. In making that determination, the ~~[Authority]~~



Consumer Affairs Division shall consider all timely written protests, any presentation the staff of the ~~[Authority]~~ *Consumer Affairs Division* may desire to present, the application and any other matters deemed relevant by the ~~[Authority.]~~ *Consumer Affairs Division.*

Sec. 85. NRS 706.331 is hereby amended to read as follows:

706.331 1. If, after due investigation and hearing, any authorized rates, tolls, fares, charges, schedules, ~~[tariffs,]~~ joint rates or any regulation, measurement, practice, act or service that is subject to the approval of the ~~[Authority]~~ *Consumer Affairs Division* is complained of and is found to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of the provisions of this chapter, or if it is found that the service is inadequate, or that any reasonable service cannot be obtained, the ~~[Authority]~~ *Consumer Affairs Division* may substitute therefor such other rates, tolls, fares, charges, ~~[tariffs,]~~ schedules or regulations, measurements, practices, service or acts and make an order relating thereto as may be just and reasonable.

2. When complaint is made of more than one matter, the ~~[Authority]~~ *Consumer Affairs Division* may order separate hearings upon the several matters complained of at such times and places as it may prescribe.

3. No complaint may at any time be dismissed because of the absence of direct damage to the complainant.

4. The ~~[Authority]~~ *Consumer Affairs Division* may at any time, upon its own motion, investigate any of the matters listed in subsection 1 ~~[.]~~ and, after a full hearing, by order, make such changes as may be just and reasonable, the same as if a formal complaint had been made.

Sec. 86. 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 carrier, other than an operator of a tow car.]~~ *A carrier of household goods* authorized to operate by NRS 706.011 to 706.791, inclusive, *and sections 2 to 16, inclusive, of this act* shall not discontinue any service established pursuant to the provisions of NRS 706.011 to 706.791, inclusive, *sections 2 to 16, 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 16, inclusive, of this act* without an order of the



1 ~~[Authority]~~ *Consumer Affairs Division* granted only after public
2 notice or hearing in the event of protest.

3 **Sec. 87.** NRS 706.346 is hereby amended to read as follows:

4 706.346 1. ~~[Except as otherwise provided in subsection 3, a]~~
5 A copy, or so much of the schedule ~~[or tariff]~~ as the ~~[Authority]~~
6 *Consumer Affairs Division* determines necessary for the use of the
7 public, must be printed in plain type and posted in every office of a
8 ~~[common-motor]~~ carrier *of household goods* where payments are
9 made by customers or users, open to the public, in such form and
10 place as to be readily accessible to the public and conveniently
11 inspected.

12 2. ~~[Except as otherwise provided in subsection 3, when]~~ *When*
13 a schedule ~~[or tariff]~~ of joint rates or charges is or may be in force
14 between two or more ~~[common-motor]~~ carriers *of household goods*
15 or between any such carrier and a public utility, the schedule ~~[or~~
16 ~~tariff]~~ must be printed and posted in the manner prescribed in
17 subsection 1.

18 ~~[3.—Only the rates for towing services performed without the~~
19 ~~prior consent of the owner of the vehicle or the person authorized by~~
20 ~~the owner to operate the vehicle must be printed and posted by an~~
21 ~~operator of a tow car pursuant to subsections 1 and 2.]~~

22 **Sec. 88.** NRS 706.386 is hereby amended to read as follows:

23 706.386 It is unlawful ~~[, except as otherwise provided in NRS~~
24 ~~373.117, 706.446, 706.453 and 706.745,]~~ for any ~~[fully regulated~~
25 ~~common-motor-carrier]~~ *person* to operate as a carrier of ~~[intrastate~~
26 ~~commerce and any operator of a tow car to perform towing services]~~
27 *household goods* within this State without first obtaining a
28 certificate of public convenience and necessity from the ~~[Authority.]~~
29 *Consumer Affairs Division.*

30 **Sec. 89.** NRS 706.391 is hereby amended to read as follows:

31 706.391 1. Upon the filing of an application for a certificate
32 of public convenience and necessity to operate as a ~~[common-motor~~
33 ~~carrier, other than an operator of a tow car,]~~ *carrier of household*
34 *goods*, or an application for modification of ~~[such a]~~ *the* certificate,
35 the ~~[Authority]~~ *Consumer Affairs Division* shall fix a time and
36 place for a hearing on the application.

37 2. The ~~[Authority]~~ *Consumer Affairs Division* shall grant the
38 certificate or modification if it finds that:

39 (a) The applicant is financially and operationally fit, willing and
40 able to perform the services of a ~~[common-motor]~~ carrier *of*
41 *household goods* and that the operation of, and the provision of
42 such services by, the applicant as a ~~[common-motor]~~ carrier *of*
43 *household goods* will foster sound economic conditions within the
44 ~~[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 *of household goods* 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]~~ *Consumer Affairs Division* 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 *of household goods* 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]~~ carrier *of household goods* pursuant to paragraph (a) of subsection 2, the ~~[Authority]~~ *Consumer Affairs Division* shall consider whether the applicant has violated any provision of this chapter or any regulations adopted pursuant thereto.

5. The applicant for the certificate or modification:

(a) Has the burden of proving to the ~~[Authority]~~ *Consumer Affairs Division* that the proposed operation will meet the requirements of subsection 2; and

(b) Must pay the amounts billed to the applicant by the ~~[Authority]~~ *Consumer Affairs Division* for the costs incurred by the ~~[Authority]~~ *Consumer Affairs Division* in conducting any investigation regarding the applicant and the application.

6. The ~~[Authority]~~ *Consumer Affairs Division* may issue or modify a certificate of public convenience and necessity to operate as a ~~[common-motor-carrier,]~~ *carrier of household goods*, or issue or modify it for:

(a) The exercise of the privilege sought.

(b) The partial exercise of the privilege sought.

7. The ~~[Authority]~~ *Consumer Affairs Division* may attach to the certificate *or modification* such terms and conditions as, in its judgment, the public interest may require.



8. The ~~[Authority]~~ *Consumer Affairs Division* may dispense with the hearing on the application if, upon the expiration of the time fixed in the notice thereof, no petition to intervene has been filed on behalf of any person who has filed a protest against the granting of the certificate or modification.

Sec. 90. NRS 706.396 is hereby amended to read as follows:

706.396 Any person who, after hearing, has been denied a certificate of public convenience and necessity to operate as a carrier *of household goods* must not be permitted again to file a similar application with the ~~[Authority]~~ *Consumer Affairs Division* covering the same type of service and over the same route or routes or in the same territory for which the certificate of public convenience and necessity was denied except after the expiration of 180 days after the date the certificate of public convenience and necessity was denied.

Sec. 91. NRS 706.398 is hereby amended to read as follows:

706.398 The ~~[Authority:]~~ *Consumer Affairs Division:*

1. Shall revoke or suspend, pursuant to the provisions of this chapter, the certificate of public convenience and necessity of a ~~[common-motor]~~ carrier *of household goods* which has failed to ~~[-~~

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

~~—(b) Operate]~~ *operate* as a carrier of ~~[intrastate-commerce]~~ *household goods* in this State under the terms and conditions of its certificate,

~~[->]~~ unless the carrier has obtained the prior permission of the ~~[Authority:]~~ *Consumer Affairs Division.*

2. May revoke or suspend, pursuant to the provisions of ~~[NRS 706.2885,]~~ *section 11 of this act,* the certificate of public convenience and necessity of a ~~[common-motor]~~ carrier *of household goods* which has failed to comply with any provision of this chapter or any regulation of the ~~[Authority]~~ *Consumer Affairs Division* adopted pursuant thereto.

Sec. 92. NRS 706.426 is hereby amended to read as follows:

706.426 An application for a permit for a new operation as a contract motor carrier ~~[shall]~~ *must* be:

1. Made to the ~~[Authority]~~ *Department* in writing.

2. In such form and be accompanied by such information as the ~~[Authority]~~ *Department* may require.

Sec. 93. NRS 706.431 is hereby amended to read as follows:

706.431 1. A permit may be issued to any applicant therefor, authorizing in whole or in part the operation covered by the application, if it appears from the application or from any hearing held thereon that:



(a) The applicant is fit, willing and able properly to perform the service of a contract motor carrier and to conform to all provisions of NRS 706.011 to 706.791, inclusive, *and sections 2 to 41, inclusive, of this act*, and the regulations adopted thereunder; and

(b) The proposed operation will be consistent with the public interest and will not operate to defeat the legislative policy set forth in NRS 706.151.

2. An application must be denied if the provisions of subsection 1 are not met.

3. The ~~{Authority} shall revoke or suspend pursuant to the provisions of this chapter the permit of a contract motor carrier who has failed to file the annual report required in NRS 706.167 within 60 days after the report is due.~~

~~4. The {Authority}~~ *Department* shall adopt regulations providing for a procedure by which any contract entered into by a contract motor carrier after he has been issued a permit pursuant to this section may be approved by the ~~{Authority}~~ *Department* without giving notice required by statute or by a regulation of the ~~{Authority}~~ *Department*.

Sec. 94. NRS 706.436 is hereby amended to read as follows:

706.436 Any person who has been denied a permit to act as a contract motor carrier after hearing may not file a similar application with the ~~{Authority}~~ *Department* covering the same type of service and over the same route or routes or in the same territory for which the permit was denied except after the expiration of 180 days after the date the permit was denied.

Sec. 95. NRS 706.442 is hereby amended to read as follows:

706.442 Any person engaging in the intrastate transportation or storage of household goods shall comply with the following requirements:

1. Upon the request of a person seeking service, the carrier of household goods shall provide the person with a written, binding estimate of the cost of providing the requested service.

2. The charges assessed for the service rendered may not exceed the amount in the written estimate, unless the customer requested services in addition to those included in the written estimate and agreed to pay additional charges.

3. If the person for whom service was provided pays any amount consistent with the provisions of subsection 2, the provider of service shall release immediately any household goods that were transported or stored to that person.

4. If a person requesting service alleges that any household goods were damaged or lost, the person that provided the service shall:

(a) Attempt to resolve the dispute; and



(b) Identify the carrier of his insurance and explain the procedures to file a claim.

5. The provider of service shall advise all persons for whom service is to be performed of their right to file a complaint with the ~~[Authority]~~ *Consumer Affairs Division* and provide the address and telephone number of the nearest business office of the ~~[Authority]~~ *Consumer Affairs Division*.

6. Any other terms and conditions which the ~~[Authority]~~ *Consumer Affairs Division* may by regulation prescribe to protect the public.

Sec. 96. NRS 706.443 is hereby amended to read as follows:

706.443 1. The provisions of NRS 706.442 apply *regardless of* whether ~~[or not]~~ the person providing the service has received authority to operate from the ~~[Authority]~~ *Consumer Affairs Division*.

2. The ~~[Authority]~~ *Consumer Affairs Division* shall enforce the provisions of NRS 706.442 and consider complaints regarding violations of the provisions of that section pursuant to the provisions of this chapter. In addition to any other remedies, the ~~[Authority]~~ *Consumer Affairs Division* may order the release of any household goods that are being held by the provider of service subject to the terms and conditions that the ~~[Authority]~~ *Consumer Affairs Division* determines to be appropriate and may order the refund of overcharges.

3. The ~~[Authority]~~ *Consumer Affairs Division* may use the remedies provided in ~~[NRS 706.457, 706.461, 706.756, 706.761, 706.771 and 706.779]~~ *sections 9, 12, 13, 14 and 16 of this act* and any other remedy available under other law.

4. The ~~[Authority]~~ *Consumer Affairs Division* shall adopt regulations regarding the administration and enforcement of this section and NRS 706.442.

Sec. 97. NRS 706.445 is hereby amended to read as follows:

706.445 The ~~[Authority]~~ *Nevada Highway Patrol* may not regulate the:

1. Geographical area in which towing services are provided;

2. Types of towing services that are provided; or

3. Rates and charges assessed or the terms and conditions imposed for towing services performed , ~~[with the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle.]~~

↳ by an operator of a tow car.

Sec. 98. NRS 706.446 is hereby amended to read as follows:

706.446 The provisions of this chapter do not require an operator of a tow car who provides towing for a licensed motor club regulated pursuant to chapter 696A of NRS to obtain a ~~[certificate of~~



~~public convenience and necessity~~ license or to comply with the regulations or rates adopted by the ~~[Authority]~~ Nevada Highway Patrol to provide that towing.

Sec. 99. NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a ~~[certificate of public convenience and necessity]~~ license from the ~~[Authority]~~ Nevada Highway Patrol before he provides any services other than those services which he provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS ~~[706.011 to 706.791, inclusive.]~~ 706.445 to 706.453, inclusive, and sections 17 to 39, inclusive, of this act.

2. A person who wishes to obtain a ~~[certificate of public convenience and necessity]~~ license to operate a tow car must file an application with the ~~[Authority]~~.

~~3. The Authority Nevada Highway Patrol.~~

3. The Nevada Highway Patrol shall issue a ~~[certificate of public convenience and necessity]~~ license to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

(b) Complies with the requirements of the regulations adopted by the ~~[Authority]~~ Nevada Highway Patrol pursuant to ~~[the provisions of this chapter;]~~ NRS 706.445 to 706.453, inclusive, and sections 17 to 39, inclusive, of this act;

(c) Has provided evidence that he has filed with the ~~[Authority]~~ Department a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that he has filed *schedules* with the ~~[Authority schedules and tariffs]~~ Nevada Highway Patrol pursuant to ~~[subsection 2 of NRS 706.321.]~~ section 29 of this act.

4. An applicant for a ~~[certificate]~~ license has the burden of proving to the ~~[Authority]~~ Nevada Highway Patrol that the proposed operation will meet the requirements of subsection 3.

5. The ~~[Authority]~~ Nevada Highway Patrol may hold a hearing to determine whether an applicant is entitled to a ~~[certificate]~~ license only if:



(a) Upon the expiration of the time fixed in the notice that an application for a ~~{certificate of public convenience and necessity}~~ *license* is pending, a petition to intervene has been granted by the ~~{Authority; or~~

~~—(b) The Authority}~~ *Nevada Highway Patrol; or*

(b) The Nevada Highway Patrol finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.

Sec. 100. NRS 706.4468 is hereby amended to read as follows:

706.4468 1. Each operator of a tow car shall file its charges for preparing or satisfying a lien to which the operator is entitled against a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle. The ~~{Authority}~~ *Nevada Highway Patrol* may investigate any charge filed pursuant to this subsection and revise the charge as necessary to ensure that the charge is reasonable.

2. An operator of a tow car may not impose a charge or any part of a charge filed pursuant to subsection 1 unless the operator:

(a) Has initiated the procedure by which a person may satisfy a lien; and

(b) Stores the vehicle for at least 96 hours.

3. If an operator of a tow car stores a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle for at least 96 hours but not more than 336 hours, the operator may charge an amount not to exceed 50 percent of the charge approved by the ~~{Authority}~~ *Nevada Highway Patrol* pursuant to subsection 1 for preparing or satisfying a lien.

4. If an operator of a tow car stores a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle for more than 336 hours, the operator may charge an amount not to exceed 50 percent of the charge approved by the ~~{Authority}~~ *Nevada Highway Patrol* pursuant to subsection 1 for preparing or satisfying a lien in addition to the amount charged pursuant to subsection 3.

Sec. 101. NRS 706.4473 is hereby amended to read as follows:

706.4473 The operator *of a tow car* shall inform each owner, or agent of the owner, of a towed motor vehicle that the owner or agent may file a complaint with the ~~{Authority}~~ *Nevada Highway Patrol* regarding any violation of the provisions of ~~{this chapter.}~~ *NRS 706.445 to 706.453, inclusive, and sections 17 to 39, inclusive, of this act.*



1 **Sec. 102.** NRS 706.4483 is hereby amended to read as
2 follows:

3 706.4483 1. The ~~[Authority]~~ *Nevada Highway Patrol* shall
4 act upon complaints regarding the failure of an operator of a tow car
5 to comply with the provisions of NRS ~~[706.011 to 706.791,~~
6 ~~inclusive.]~~ *706.445 to 706.453, inclusive, and sections 17 to 39,*
7 *inclusive, of this act.*

8 2. In addition to any other remedies that may be available to
9 the ~~[Authority]~~ *Nevada Highway Patrol* to act upon complaints, the
10 ~~[Authority]~~ *Nevada Highway Patrol* may order the release of towed
11 motor vehicles, cargo or personal property upon such terms and
12 conditions as the ~~[Authority]~~ *Nevada Highway Patrol* determines to
13 be appropriate.

14 **Sec. 103.** NRS 706.4485 is hereby amended to read as
15 follows:

16 706.4485 1. A law enforcement agency that maintains and
17 uses a list of operators of tow cars which are called by that agency
18 to provide towing shall not include an operator of a tow car on the
19 list unless he:

20 (a) Holds a ~~[certificate of public convenience and necessity]~~
21 *license* issued by the ~~[Authority]~~ *Nevada Highway Patrol.*

22 (b) Complies with all applicable provisions of ~~[this chapter]~~
23 *NRS 706.445 to 706.453, inclusive, and sections 17 to 39,*
24 *inclusive, of this act* and chapters 482 and 484 of NRS.

25 (c) Agrees to respond in a timely manner to requests for towing
26 made by the agency.

27 (d) Maintains adequate, accessible and secure storage within the
28 State of Nevada for any vehicle that is towed.

29 (e) Complies with all standards the law enforcement agency may
30 adopt to protect the health, safety and welfare of the public.

31 (f) Assesses only rates and charges that have been approved by
32 the ~~[Authority]~~ *Nevada Highway Patrol* for towing services
33 performed without the prior consent of the owner of the vehicle or
34 the person authorized by the owner to operate the vehicle.

35 2. The ~~[Authority]~~ *Nevada Highway Patrol* shall not require
36 that an operator of a tow car charge the same rate to law
37 enforcement agencies for towing services performed without the
38 prior consent of the owner of the vehicle or the person authorized by
39 the owner to operate the vehicle that the operator charges to other
40 persons for such services.

41 3. Except as otherwise provided in this subsection, if an
42 operator of a tow car is included on a list of operators of tow cars
43 that is maintained and used by the Nevada Highway Patrol pursuant
44 to this section, the Nevada Highway Patrol shall not remove the
45 operator of the tow car from the list, or restrict his use pursuant



1 thereto, solely on the ground that the operator is insured under the
2 same policy of insurance as one other operator of a tow car who is
3 included on the list and operates in the same geographical area. An
4 operator of a tow car is not eligible for inclusion on the list if the
5 operator is insured under the same policy of insurance as two or
6 more other operators of tow cars who are included on the list and
7 operate in the same geographical area.

8 **Sec. 104.** NRS 706.449 is hereby amended to read as follows:

9 706.449 The ~~{Authority}~~ *Nevada Highway Patrol* may impose
10 an administrative fine ~~{pursuant to subsection 2 of NRS 706.771}~~ *of*
11 *not more than \$10,000* on the owner or operator of a tow car who
12 fails to pay in a timely manner any charge required to be paid by
13 subsection 2 of NRS 484.631. *The fine may be recovered by the*
14 *Nevada Highway Patrol upon the complaint of the Nevada*
15 *Highway Patrol in any court of competent jurisdiction.*

16 **Sec. 105.** NRS 706.451 is hereby amended to read as follows:

17 706.451 1. Each owner or operator of a tow car subject to the
18 jurisdiction of the ~~{Authority}~~ *Nevada Highway Patrol* shall, before
19 commencing to operate or continuing operation after ~~{July 1, 1971,}~~
20 *January 1, 2008*, and annually thereafter, pay to the ~~{Authority}~~
21 *Nevada Highway Patrol* for each tow car operated, a fee of not
22 more than \$36.

23 2. The fee provided in this section must be paid on or before
24 January 1 of each year.

25 3. The initial fee must be reduced one-twelfth for each month
26 which has elapsed since the beginning of the calendar year before
27 ~~{July 1, 1971,}~~ *January 1, 2008*, for those tow cars lawfully
28 operating on that date or before the commencement of operation of
29 each tow car commencing operation after ~~{July 1, 1971,}~~ *January 1,*
30 *2008.*

31 4. Any person who fails to pay any fee on or before the date
32 provided in this section shall pay a penalty of 10 percent of the
33 amount of the fee plus interest on the amount of the fee at the rate of
34 1 percent per month or fraction of a month from the date the fee is
35 due until the date of payment.

36 **Sec. 106.** NRS 706.457 is hereby amended to read as follows:

37 706.457 The ~~{Authority}~~ *Department* may by subpoena require
38 any person believed by it to be subject to any of the provisions of
39 NRS 706.011 to 706.791, inclusive, *and sections 2 to 41, inclusive,*
40 *of this act*, who has not obtained a required certificate of public
41 convenience and necessity, *license* or ~~{a required}~~ permit issued in
42 accordance with those sections, to appear before it with all of his
43 relevant books, papers and records and to testify concerning the
44 scope, nature and conduct of his business.



Sec. 107. NRS 706.458 is hereby amended to read as follows:

706.458 1. The district court in and for the county in which any investigation or hearing is being conducted by the ~~[Authority]~~ *Department* pursuant to the provisions of this chapter may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the ~~[Authority]~~ *Department*.

2. If any witness refuses to attend or testify or produce any papers required by such subpoena the ~~[Authority]~~ *Department* may report to the district court in and for the county in which the investigation or hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in this chapter; and

(c) That the witness has failed and refused to attend or produce the papers required by subpoena in the investigation or hearing named in the subpoena, or has refused to answer questions propounded to him in the course of ~~[such]~~ *the* investigation or hearing,

➔ and ~~[asking]~~ *requesting* an order of the court compelling the witness to attend and testify or produce the books or papers.

3. The court, upon petition of the ~~[Authority]~~ *Department* shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in ~~[such]~~ *the* order, the time to be not more than 10 days ~~[from]~~ *after* the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the ~~[Authority]~~ *Department*. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued, the court shall thereupon enter an order that the witness appear at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 108. NRS 706.463 is hereby amended to read as follows:

706.463 Each owner or operator of a charter bus which is not a ~~[fully-regulated]~~ *common motor* carrier *of passengers* shall:

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

2. Submit evidence satisfactory to the ~~[Authority]~~ *Department* 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]~~ *Department*



1 for a common motor carrier of passengers pursuant to NRS 706.291;
2 and

3 3. Not later than 5 days before beginning operation in this
4 State, submit to the ~~[Authority]~~ **Department** a copy of its schedule
5 or tariff setting forth the rates established by the owner or operator.
6 If the owner or operator intends to make any changes to its schedule
7 or tariff, the owner or operator shall submit an updated copy of the
8 schedule or tariff to the Authority Department not later than 5 days
9 before the date on which those changes are to become effective.
10 Notwithstanding any provision of this chapter to the contrary,
11 schedules and tariffs submitted by the owner or operator to the
12 ~~[Authority]~~ **Department** pursuant to this section, and the rates set
13 forth in those schedules and tariffs, are not subject to hearing or
14 approval by the ~~[Authority.]~~ **Department.**

15 **Sec. 109.** NRS 706.476 is hereby amended to read as follows:

16 706.476 Except as otherwise provided in NRS 706.478:

17 1. A ~~{vehicle used as a taxicab, limousine or other}~~ passenger
18 vehicle in passenger service must be impounded by the ~~[Authority]~~
19 **Department** if a ~~{certificate of public convenience and necessity}~~
20 **license** has not been issued authorizing its operation. A hearing must
21 be held by the ~~[Authority no]~~ **Department not** later than the
22 conclusion of the second normal business day after impoundment,
23 weekends and holidays excluded. As soon as practicable after
24 impoundment, the ~~[Authority]~~ **Department** shall notify the
25 registered owner of the vehicle:

26 (a) That the registered owner of the vehicle must post a bond in
27 the amount of \$20,000 to ensure his presence at all proceedings held
28 pursuant to this section;

29 (b) Of the time set for the hearing; and

30 (c) Of his right to be represented by counsel during all phases of
31 the proceedings.

32 2. The ~~[Authority]~~ **Department** shall hold the vehicle until the
33 registered owner of the vehicle appears and:

34 (a) Proves that he is the registered owner of the vehicle;

35 (b) Proves that he holds a valid ~~{certificate of public~~
36 **convenience and necessity;}** **license;**

37 (c) Proves that the vehicle meets all required standards of the
38 ~~[Authority;]~~ **Department;** and

39 (d) Posts a bond in the amount of \$20,000 with the ~~[Authority.~~
40 **→ The Authority]** **Department.**

41 **→ The Department** shall return the vehicle to its registered owner
42 when the owner meets the requirements of this subsection and pays
43 all costs of impoundment.

44 3. If the registered owner is unable to meet the requirements of
45 paragraph (b) or (c) of subsection 2, the ~~[Authority]~~ **Department**



1 may assess an administrative fine against the registered owner for
2 each such violation in the amount of \$5,000. The maximum amount
3 of the administrative fine that may be assessed against a registered
4 owner for a single impoundment of his vehicle pursuant to this
5 section is \$10,000. The ~~[Authority]~~ *Department* shall return the
6 vehicle after any administrative fine imposed pursuant to this
7 subsection and all costs of impoundment have been paid.

8 **Sec. 110.** NRS 706.478 is hereby amended to read as follows:

9 706.478 1. Notwithstanding any provision of NRS 706.011 to
10 706.791, inclusive, *and sections 2 to 41, inclusive, of this act* to the
11 contrary, if the registered owner of a vehicle which is impounded
12 pursuant to NRS 706.476 is a short-term lessor licensed pursuant to
13 NRS 482.363 who is engaged in the business of renting or leasing
14 vehicles in accordance with NRS 482.295 to 482.3159, inclusive,
15 the registered owner is not liable for any administrative fine or other
16 penalty that may be imposed by the ~~[Authority]~~ *Department* for the
17 operation of a passenger vehicle in violation of NRS 706.011 to
18 706.791, inclusive, *and sections 2 to 41, inclusive, of this act* if , at
19 the time that the vehicle was impounded, the vehicle was in the care,
20 custody or control of a lessee.

21 2. A short-term lessor may establish that a vehicle was subject
22 to the care, custody or control of a lessee at the time that the vehicle
23 was impounded pursuant to NRS 706.476 by submitting to the
24 ~~[Authority]~~ *Department* a true copy of the lease or rental agreement
25 pursuant to which the vehicle was leased or rented to the lessee by
26 the short-term lessor. The submission of a true copy of a lease or
27 rental agreement is prima facie evidence that the vehicle was in the
28 care, custody or control of the lessee.

29 3. Upon the receipt of a true copy of a written lease or rental
30 agreement pursuant to subsection 2 which evidences that the vehicle
31 impounded by the ~~[Authority]~~ *Department* pursuant to NRS
32 706.476 was under the care, custody or control of a lessee and not
33 the registered owner of the vehicle, the ~~[Authority]~~ *Department*
34 shall release the vehicle to the short-term lessor.

35 4. As used in this section, "short-term lessor" has the meaning
36 ascribed to it in NRS 482.053.

37 **Sec. 111.** NRS 706.631 is hereby amended to read as follows:

38 706.631 The remedies of the State provided for in NRS
39 706.011 to 706.861, inclusive, *and sections 2 to 41, inclusive, of*
40 *this act* are cumulative, and no action taken by the Department ~~for~~
41 ~~[Authority]~~ *, Nevada Highway Patrol or Consumer Affairs Division*
42 may be construed to be an election on the part of the State or any of
43 its officers to pursue any remedy under NRS 706.011 to 706.861,
44 inclusive, *and sections 2 to 41, inclusive, of this act* to the
45 exclusion of any other remedy for which provision is made in NRS



1 706.011 to 706.861, inclusive ~~[]~~, *and sections 2 to 41, inclusive, of*
2 *this act.*

3 **Sec. 112.** NRS 706.692 is hereby amended to read as follows:

4 706.692 1. Except as otherwise provided in NRS 706.672 to
5 706.687, inclusive, the owner or operator of a motor vehicle to
6 which any provisions of NRS 706.011 to 706.861, inclusive, *and*
7 *sections 2 to 41, inclusive, of this act* apply, carrying passengers or
8 property on any highway in the State of Nevada shall not require or
9 permit any driver of the motor vehicle to drive it in any one period
10 longer than the time permitted for that period by the order of ~~the~~
11 ~~Authority or~~ the Department.

12 2. In addition to other persons so required, the Labor
13 Commissioner shall enforce the provisions of this section.

14 **Sec. 113.** NRS 706.736 is hereby amended to read as follows:

15 706.736 1. Except as otherwise provided in subsection 2, the
16 provisions of NRS 706.011 to 706.791, inclusive, *and sections 2 to*
17 *41, inclusive, of this act* do not apply to:

18 (a) The transportation by a contractor licensed by the State
19 Contractors' Board of his own equipment in his own vehicles from
20 job to job.

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

27 (c) Special mobile equipment.

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

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

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

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

40 (a) The provisions of paragraph (d) of subsection 1 of NRS
41 706.171 and NRS 706.235 ~~[to 706.256, inclusive,]~~, *706.246,*
42 *706.251,* 706.281, 706.457 and 706.458 ~~[]~~ *and sections 9, 10, 35*
43 *and 36 of this act.*

44 (b) All rules and regulations adopted by reference pursuant to
45 paragraph (b) of subsection 1 of NRS 706.171 *and paragraph (b) of*



subsection 1 of section 5 of this act and subsection 2 of section 25 of this act 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. 114. NRS 706.741 is hereby amended to read as follows:

706.741 1. An owner or operator of a motor vehicle that is used for the transportation of passengers or property is not subject to the provisions of this chapter governing ~~[fully regulated]~~ *common motor* carriers if:

(a) The owner or operator of the motor vehicle:

(1) Holds a nonrestricted license and is a resort hotel;

(2) Is not in the business of transporting passengers or property;

(3) Does not charge a fee for transporting passengers or property;

(4) Provides transportation only to its customers, guests, casino hosts, key employees, officers and directors; and

(5) Marks the vehicle with the owner's or operator's name or logo, which must be at least 2 inches in height and be visible from a distance of at least 50 feet; and

(b) The use of the motor vehicle is related to the business of the resort hotel for which the nonrestricted license was issued.

2. An owner or operator of a motor vehicle specified in subsection 1 shall regularly inspect the motor vehicle and maintain a record of the inspection for at least 3 years after the date of the inspection. Each record maintained pursuant to this subsection must be made available for inspection or audit by the ~~[Authority]~~



1 *Department* or its designee at any time during regular business
2 hours.

3 3. As used in this section:

4 (a) "Nonrestricted license" has the meaning ascribed to it in
5 NRS 463.0177; and

6 (b) "Resort hotel" has the meaning ascribed to it in
7 NRS 463.01865.

8 **Sec. 115.** NRS 706.745 is hereby amended to read as follows:

9 706.745 1. The provisions of NRS ~~[706.386 and]~~ 706.421 do
10 not apply to:

11 (a) Ambulances;

12 (b) Hearses; or

13 (c) Common motor carriers or contract motor carriers that are
14 providing transportation services pursuant to a contract with the
15 Department of Health and Human Services entered into pursuant to
16 NRS 422.2705.

17 2. A common motor carrier that enters into an agreement for
18 the purchase of its service by an incorporated city, county or
19 regional transportation commission is not required to obtain a
20 ~~[certificate of public convenience and necessity]~~ *license from the*
21 *Department* to operate a system of public transit consisting of:

22 (a) Regular routes and fixed schedules;

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

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

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

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

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

39 (b) If the public entity is unable to do so, the ~~[Authority]~~
40 *Department* shall provide for any required safety inspections.

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

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



* S B 1 0 7 *

(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~~ *license from the Department* to operate as a common motor carrier of such passengers only, but such a carrier is not exempt from inspection by the ~~Authority~~ *Department* 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 convenience and necessity~~ *license from the Department* to operate a system of public transportation.

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

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

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

Sec. 116. NRS 706.749 is hereby amended to read as follows:

706.749 1. The ~~Authority~~ *Department* may issue a permit, valid for 1 year after the date of issuance, to an employer to transport his employees between their place of work and their homes or one or more central parking areas if the employer files an application, on a form provided by the ~~Authority~~ *Department*, showing:

(a) The name of the employer;

(b) The places where employees will be picked up and discharged, including the location of their place of work;

(c) Identification of each vehicle to be used and certification that it is owned or the subject of a long-term lease by the employer;

(d) That each vehicle is registered to and operated by the employer; and

(e) Any charge which will be made for the service.

2. The employer must pay a fee of \$10 for each vehicle which he will regularly use to transport his employees.



3. The employer must charge no fare for the use of the service, or no more than an amount required to amortize the cost of the vehicle and defray the cost of operating it.

4. The ~~[Authority]~~ *Department* shall renew the permit upon receipt of a fee of \$10 per vehicle regularly used to transport employees.

Sec. 117. 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 sections 2 to 41, inclusive, 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, 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) , and sections 2 to 41, inclusive, of this act;~~

~~(e) Fails to obey any order, decision or regulation of [the Authority or] the Department;~~

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

~~(g) (e) 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) (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;~~

~~(i) (h) , and sections 2 to 41, inclusive, of this act;~~

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

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

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



1 ~~[(k)]~~ (i) Displays , or causes or permits to be displayed , a
2 ~~[certificate,]~~ permit, license or identifying device, knowing it to be
3 fictitious or to have been cancelled, revoked, suspended or altered;

4 ~~[(l)]~~ (j) Lends , or knowingly permits the use of by one not
5 entitled thereto , any ~~[certificate,]~~ permit, license or identifying
6 device issued to the person so lending or permitting the use thereof;
7 or

8 ~~[(m)]~~ (k) Refuses or fails to surrender to the ~~[Authority or]~~
9 Department any ~~[certificate,]~~ permit, license or identifying device
10 which has been suspended, cancelled or revoked pursuant to the
11 provisions of this chapter,

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

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

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

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

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

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

40 ~~[5.]~~ 4. The fines provided in this section are mandatory and
41 must not be reduced under any circumstances by the court.

42 ~~[6.]~~ 5. Any bail allowed must not be less than the appropriate
43 fine provided for by this section.



Sec. 118. NRS 706.758 is hereby amended to read as follows:

706.758 1. It is unlawful for any person to advertise services for which ~~[a certificate of public convenience and necessity or]~~ a contract carrier's permit is required pursuant to NRS 706.011 to 706.791, inclusive, *and sections 2 to 41, inclusive, of this act* unless the person has been issued such a ~~[certificate or]~~ permit.

2. If, after notice and a hearing, the ~~[Authority]~~ *Department* determines that a person has engaged in advertising in a manner that violates the provisions of this section, the ~~[Authority]~~ *Department* may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of NRS 706.011 to 706.791, inclusive, *and sections 2 to 41, inclusive, of this act* issue an order to the person to cease and desist the unlawful advertising and to:

(a) Cause any telephone number included in the advertising, other than a telephone number to a provider of paging services, to be disconnected.

(b) Request the provider of paging services to change the number of any beeper which is included in the advertising or disconnect the paging services to ~~[such a]~~ *the* beeper, and to inform the provider of paging services that the request is made pursuant to this section.

3. If a person fails to comply with paragraph (a) of subsection 2 within 5 days after the date that he receives an order pursuant to subsection 2, the ~~[Authority]~~ *Department* may request the Commission to order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement, except for a telephone number to a provider of paging services. If a person fails to comply with paragraph (b) of subsection 2 within 5 days after the date he receives an order pursuant to subsection 2, the ~~[Authority]~~ *Department* may request the provider of paging services to switch the beeper number or disconnect the paging services provided to the person, whichever the provider deems appropriate.

4. If the provider of paging services receives a request from a person pursuant to subsection 2 or a request from the ~~[Authority]~~ *Department* pursuant to subsection 3, ~~[it]~~ *the provider of paging services* shall:

(a) Disconnect the paging service to the person; or

(b) Switch the beeper number of the paging service provided to the person.

➔ If the provider of paging services elects to switch the number pursuant to paragraph (b), the provider shall not forward or offer to forward the paging calls from the previous number ~~[it]~~ or provide or offer to provide a recorded message that includes the new beeper number.

5. As used in this section:



(a) "Advertising" includes, but is not limited to, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "fully regulated carrier" with or without any limiting qualifications.

(b) "Beeper" means a portable electronic device which is used to page the person carrying it by emitting an audible or a vibrating signal when the device receives a special radio signal.

(c) "Provider of paging services" means an entity, other than a public utility, that provides paging service to a beeper.

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.

Sec. 119. NRS 706.761 is hereby amended to read as follows:

706.761 1. Any agent or person in charge of the books, accounts, records, minutes or papers of any private, common or contract motor carrier or broker of any of ~~these~~ *those* services who refuses or fails for a period of 30 days to furnish the ~~Authority or~~ Department with any report required by ~~either~~ *the Department* or who fails or refuses to permit any person authorized by the ~~Authority or~~ Department to inspect such books, accounts, records, minutes or papers on behalf of the ~~Authority or~~ Department is liable ~~to~~ *for* a penalty in a sum of not less than \$300 ~~nor~~ *or* more than \$500. The penalty may be recovered in a civil action upon the complaint of the ~~Authority or~~ Department in any court of competent jurisdiction.

2. Each day's refusal or failure is a separate offense, and is subject to the penalty prescribed in this section.

Sec. 120. NRS 706.771 is hereby amended to read as follows:

706.771 1. Any person or any agent or employee thereof, who violates any provision of this chapter ~~[- any lawful]~~ *or any* regulation of the ~~Authority or any lawful tariff on file with the~~ *Authority* *Department* or who fails, neglects or refuses to obey any ~~lawful~~ order of the ~~Authority~~ *Department* or any court order for whose violation a civil penalty is not otherwise prescribed is liable ~~to~~ *for* 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~~ *Department* in any court of competent jurisdiction.

2. If the ~~Authority~~ *Department* does not bring an action to recover the penalty prescribed by subsection 1, the ~~Authority~~ *Department* 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~~ *Department* may be recovered by the



1 ~~[Authority]~~ *Department* only after notice is given and a hearing is
2 held pursuant to the provisions of chapter 233B of NRS.

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

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

10 **Sec. 121.** NRS 706.779 is hereby amended to read as follows:

11 706.779 The ~~[Authority]~~ *Department* and its inspectors may,
12 upon halting a person for a violation of the provisions of NRS
13 706.386 or 706.421, move his vehicle or cause it to be moved to the
14 nearest garage or other place of safekeeping until it is removed in a
15 manner which complies with the provisions of this chapter.

16 **Sec. 122.** NRS 706.781 is hereby amended to read as follows:

17 706.781 In addition to all the other remedies provided by NRS
18 706.011 to 706.861, inclusive, *and sections 2 to 41, inclusive, of*
19 *this act* for the prevention and punishment of any violation of the
20 provisions thereof and of all orders of the ~~[Authority or the]~~
21 *Department, Nevada Highway Patrol or Consumer Affairs*
22 *Division*, the ~~[Authority or the]~~ *Department, Nevada Highway*
23 *Patrol or Consumer Affairs Division* may compel compliance with
24 the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2*
25 *to 41, inclusive, of this act* and with the orders of the ~~[Authority or~~
26 ~~the]~~ *Department, Nevada Highway Patrol or Consumer Affairs*
27 *Division* by proceedings in mandamus, injunction or by other civil
28 remedies.

29 **Sec. 123.** NRS 706.881 is hereby amended to read as follows:

30 706.881 1. ~~[The]~~ *Except as otherwise provided in this*
31 *section, the* provisions of NRS ~~[706.8811]~~ *706.881* to 706.885,
32 inclusive, *and sections 42 to 45, inclusive, of this act* apply to ~~[any~~
33 ~~county:~~

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

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

39 ~~—2. Upon receipt of a certified copy of such an ordinance from a~~
40 ~~county for whom regulation by the Taxicab Authority is not~~
41 ~~required, the Taxicab Authority shall exercise its regulatory~~
42 ~~authority pursuant to NRS 706.8811 to 706.885, inclusive, within~~
43 ~~that county.~~

44 ~~—3. Within any such county, the provisions of this chapter which~~
45 ~~confer regulatory authority over taxicab motor carriers upon the~~



~~Transportation Services Authority do not apply.]~~ *taxicabs and limousines in this State.*

2. *The provisions of NRS 706.881 to 706.885, inclusive, and sections 42 to 45, inclusive, of this act do not apply to taxicabs and limousines that are based in:*

(a) *A county in which, pursuant to section 158 of this act, the board of county commissioners enacts an ordinance to license and regulate taxicabs and limousines based in that county; and*

(b) *An incorporated city in which, pursuant to NRS 268.097, the governing body of the incorporated city enacts an ordinance to license and regulate taxicabs and limousines based in that incorporated city.*

3. *As used in this section, "based" means where a taxicab or limousine is primarily used, or if the taxicab or limousine is often used in both a county and an incorporated city, where the taxicab or limousine is primarily stored or maintained.*

Sec. 124. NRS 706.8811 is hereby amended to read as follows:

706.8811 As used in NRS 706.881 to 706.885, inclusive, *and sections 42 to 45, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.8812 to 706.8817, inclusive, *and section 42 of this act* have the meanings ascribed to them in those sections.

Sec. 125. NRS 706.8813 is hereby amended to read as follows:

706.8813 "Certificate holder" means a person who holds a current certificate of public convenience and necessity which was issued for the operation of a taxicab *or limousine* business by:

1. The Public Service Commission of Nevada before July 1, 1981, and which has not been transferred, revoked or suspended by the Transportation Services Authority, the Taxicab Authority or the Public Utilities Commission of Nevada, or by operation of law;

2. *The Transportation Services Authority before October 1, 2007, and which has not been transferred, revoked or suspended by the Transportation Services Authority or Taxicab Authority, or by operation of law; or*

~~[2.]~~ 3. The Taxicab Authority and which has not been transferred, revoked or suspended by the Taxicab Authority or by operation of law.

Sec. 126. NRS 706.8814 is hereby amended to read as follows:

706.8814 "Driver" means an individual who operates a taxicab *or limousine* and includes a certificate holder when he operates a taxicab ~~[.]~~ *or limousine and an independent contractor who leases a taxicab in accordance with sections 43 and 44 of this act.*



1 **Sec. 127.** NRS 706.8818 is hereby amended to read as
2 follows:

3 706.8818 1. The Taxicab Authority, consisting of five
4 members appointed by the Governor, is hereby created. Except as
5 otherwise provided in NRS 232A.020, the term of each member is 3
6 years and no member may serve for more than 6 years. No more
7 than three members may be members of the same political party,
8 and no elected officer of the State or any political subdivision is
9 eligible for appointment.

10 2. Each member of the Taxicab Authority is entitled to receive
11 a salary of not more than \$80, as fixed by the Authority, for each
12 day actually employed on work of the Authority.

13 3. While engaged in the business of the Taxicab Authority,
14 each member and employee of the Authority is entitled to receive
15 the per diem allowance and travel expenses provided for state
16 officers and employees generally.

17 4. The Taxicab Authority shall maintain its principal office in
18 the county or area of the State where it performs most of its
19 regulatory activity.

20 5. The Taxicab Authority may adopt appropriate regulations
21 for the administration and enforcement of NRS 706.881 to 706.885,
22 inclusive, *and sections 42 to 45, inclusive, of this act* and, as it may
23 deem necessary, for the conduct of the taxicab *and limousine*
24 business and for the qualifications of and the issuance of permits to
25 taxicab *drivers and limousine* drivers, not inconsistent with the
26 provisions of NRS 706.881 to 706.885, inclusive ~~§~~, *and sections*
27 *42 to 45, inclusive, of this act*. The regulations may include
28 different provisions to allow for differences among the counties to
29 which NRS 706.881 to 706.885, inclusive, *and sections 42 to 45,*
30 *inclusive, of this act* apply. Local law enforcement agencies and the
31 Nevada Highway Patrol, upon request of the Authority, may assist
32 in enforcing the provisions of NRS 706.881 to 706.885, inclusive,
33 *and sections 42 to 45, inclusive, of this act* and regulations adopted
34 pursuant thereto.

35 ~~[6. Except to the extent of any inconsistency with the~~
36 ~~provisions of NRS 706.881 to 706.885, inclusive, every regulation~~
37 ~~and order issued by the Transportation Services Authority remains~~
38 ~~effective in a county to which those sections apply until modified or~~
39 ~~repealed by the Taxicab Authority, and must be enforced by the~~
40 ~~Taxicab Authority.]~~

41 **Sec. 128.** NRS 706.8819 is hereby amended to read as
42 follows:

43 706.8819 1. The Taxicab Authority shall conduct hearings
44 and make final decisions in the following matters:



(a) Applications to adjust, alter or change the rates, charges or fares for taxicab *or limousine* service;

(b) Applications for certificates of public convenience and necessity to operate a taxicab *or limousine* service;

(c) Applications requesting authority to transfer any existing interest in a certificate of public convenience and necessity or in a corporation that holds a certificate of public convenience and necessity to operate a taxicab *or limousine* business;

(d) Applications to change the total number of allocated taxicabs in a county to which NRS 706.881 to 706.885, inclusive, *and sections 42 to 45, inclusive, of this act* apply; and

(e) Appeals from final decisions of the Administrator made pursuant to NRS 706.8822.

2. An appeal from the final decision of the Taxicab Authority must be made ~~to the Transportation Services Authority.~~ *in accordance with the procedures set forth in chapter 233B of NRS.*

Sec. 129. NRS 706.8821 is hereby amended to read as follows:

706.8821 1. The Administrator is responsible for the control and regulation of the taxicab *and limousine* industry in any county to which NRS 706.881 to 706.885, inclusive, *and sections 42 to 45, inclusive, of this act* apply and for the administration of NRS 706.881 to 706.885, inclusive ~~[-]~~, *and sections 42 to 45, inclusive, of this act.*

2. The Administrator shall appoint:

(a) One accountant and such auditors as are necessary to enable the Administrator to perform his official functions properly; and

(b) Such other employees as are necessary to enable the Administrator to perform his official functions properly.

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 ~~[-]~~ *and limousine drivers;*

4. Applications for, or suspension or revocation of, drivers' permits which may be required by the Administrator; and

5. Imposition of monetary penalties.



1 **Sec. 131.** NRS 706.8825 is hereby amended to read as
2 follows:

3 706.8825 1. All fees collected pursuant to NRS 706.881 to
4 706.885, inclusive, *and sections 42 to 45, inclusive, of this act* must
5 be deposited by the Administrator to the credit of the Taxicab
6 Authority Fund, which is hereby created as a special revenue fund.
7 The transactions for each county subject to those sections must be
8 accounted for separately within the Fund.

9 2. The interest and income earned on the money in the Fund,
10 after deducting any applicable charges, must be credited to the
11 Fund.

12 3. The revenues received pursuant to subsection 1 of NRS
13 706.8826 are hereby appropriated to defray the cost of regulating
14 taxicabs *and limousines* in the county or the city, respectively,
15 making the deposit under that subsection.

16 4. The fees received pursuant to subsection 3 of NRS
17 706.8826, NRS 706.8827, 706.8841, 706.8848, 706.8849 and
18 706.885 are hereby appropriated to defray the cost of regulating
19 taxicabs *and limousines* in the county in which the certificate holder
20 operates a taxicab *or limousine* business.

21 5. Any balance remaining in the Fund does not revert to the
22 State General Fund. The Administrator may transfer to the Aging
23 Services Division of the Department of Health and Human Services
24 any balance over \$200,000 and any interest earned on the Fund,
25 within the limits of legislative authorization for each fiscal year, to
26 subsidize transportation for the elderly and the permanently
27 handicapped in taxicabs. The money transferred to the Aging
28 Services Division must be administered in accordance with
29 regulations adopted by the Administrator of the Aging Services
30 Division pursuant to NRS 427A.070.

31 6. The Administrator may establish an account for petty cash
32 not to exceed \$2,000 for the support of undercover investigation,
33 and if the account is created, the Administrator shall reimburse the
34 account from the Taxicab Authority Fund in the same manner as
35 other claims against the State are paid.

36 **Sec. 132.** NRS 706.8827 is hereby amended to read as
37 follows:

38 706.8827 1. A person shall not engage in the taxicab *or*
39 *limousine* business unless he:

40 (a) Holds a certificate of public convenience and necessity from
41 the Public Service Commission of Nevada issued before July 1,
42 1981, which has not been transferred, revoked or suspended by the
43 Taxicab Authority; ~~{or}~~

44 (b) *Holds a certificate of public convenience and necessity*
45 *from the Transportation Services Authority issued before*



1 *October 1, 2007, which has not been transferred, revoked or*
2 *suspended by the Taxicab Authority; or*

3 (c) Currently holds a certificate of public convenience and
4 necessity from the Taxicab Authority as provided in this section.

5 2. Upon the filing of an application for a certificate of public
6 convenience and necessity, the Taxicab Authority shall fix a time
7 and place for a hearing thereon. The Taxicab Authority shall issue
8 the certificate if it finds that:

9 (a) The applicant is fit, willing and able to perform the services
10 of a taxicab ~~[motor carrier;]~~ *or limousine business;*

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

13 (c) The granting of the certificate will not unreasonably and
14 adversely affect other ~~[carriers]~~ *taxicab or limousine businesses*
15 operating in the territory for which the certificate is sought;

16 (d) The holders of existing certificates will not meet the needs of
17 the territory for which the certificate is sought if the certificate is not
18 granted; and

19 (e) The proposed service will benefit the public and the taxicab
20 *or limousine* business in the territory to be served.

21 3. The applicant for a certificate has the burden of proving to
22 the Taxicab Authority that the proposed operation will meet the
23 requirements of subsection 2. The Taxicab Authority shall not find
24 that the potential creation of competition in a territory which may be
25 caused by the granting of a certificate, by itself, will unreasonably
26 and adversely affect other ~~[carriers]~~ *taxicab or limousine*
27 *businesses* operating in the territory for the purposes of paragraph
28 (c) of subsection 2.

29 4. The applicant must submit an application fee of \$200, which
30 must not be refunded, with his application. The applicant must also
31 pay those amounts which are billed to him by the *Taxicab* Authority
32 for reasonable costs incurred by it in conducting an investigation or
33 hearing regarding the applicant.

34 5. The Taxicab Authority may attach to the exercise of the
35 rights granted by the certificate any terms and conditions which in
36 its judgment the public interest may require.

37 6. The Taxicab Authority may dispense with the hearing on the
38 application if, upon the expiration of the time fixed in the notice of
39 the hearing, no protest against the granting of the certificate has
40 been filed by or on behalf of any person.

41 7. Any person who has been denied a certificate of public
42 convenience and necessity after a hearing may not file a similar
43 application with the Taxicab Authority covering the same type of
44 service and over the same route or routes or in the same territory for
45 which the certificate of public convenience and necessity was



denied except after the expiration of 180 days from the date the certificate was denied.

Sec. 133. NRS 706.8828 is hereby amended to read as follows:

706.8828 1. Except as otherwise provided in subsection 4, a certificate holder shall file with the Administrator, and keep in effect at all times, a policy of insurance with an insurance company licensed to do business in the State of Nevada.

2. The insurance policy specified in subsection 1 must:

(a) Provide the following coverage:

For injury to one person in any one accident\$100,000

For injury to two or more persons in any one
accident300,000

For property damage in any one accident 10,000

(b) Contain a clause which states substantially that the insurance carrier may only cancel the policy upon 30 days' written notice to the certificate holder and Administrator; and

(c) Contain such other provisions concerning notice as may be required by law to be given to the certificate holder.

3. If an insurance policy is cancelled, the certificate holder shall not operate or cause to be operated any taxicab *or limousine* that was covered by the policy until other insurance is furnished.

4. A certificate holder to whom the Department of Motor Vehicles has issued a certificate of self-insurance may self-insure the coverage required by subsection 2.

Sec. 134. NRS 706.883 is hereby amended to read as follows:

706.883 1. A certificate holder shall maintain at his principal place of business:

(a) A record of the make and serial number of each taxicab ~~{}~~ *and limousine;*

(b) A maintenance record for each taxicab ~~{}~~ *and limousine;*
and

(c) A copy of the medical certificates of each of his drivers.

2. The records of a certificate holder ~~{shall}~~ *must* be open for inspection by the Administrator or the Taxicab Authority at any reasonable time.

Sec. 135. NRS 706.8837 is hereby amended to read as follows:

706.8837 A certificate holder shall not permit a taxicab *or limousine* to be operated in passenger service unless it meets all of the following standards:

1. The steering mechanism is in good mechanical working order.



2. The vehicle does not have any apparent loose knuckles, bolts or gear trains.

3. The door hinges and latches are in good mechanical working order and all doors operate easily and close securely.

4. Interior or exterior advertising does not obscure the driver's view in any direction.

5. The windows are clear and free from cracks or chips in excess of 3 inches in length and are composed of approved, nonshatterable safety glass.

6. The brakes are in good mechanical working order and when pressed are not less than 1 3/4 inches from the floorboard.

7. The exhaust system, gaskets, tailpipes and mufflers are in good condition, and exhaust fumes do not penetrate the interior of the vehicle.

8. The vehicle is equipped with four adequate and safe tires. Recapped tires may be used. Regrooved tires may not be used.

9. The speedometer is properly installed, maintained in good working order and exposed to view.

10. The interior of the vehicle is clean, free from torn upholstery and from damaged or broken seats.

11. The headlights, taillights, stoplights and turn signals are in good mechanical working order.

12. The horn and two windshield wipers are in good mechanical working order.

13. ~~The~~ For a taxicab, the taximeter is working properly, is not disconnected and has its covers and gears intact.

14. An air pollution control system is functioning in accordance with federal, state and local laws which were applicable to the type of vehicle at the time of its manufacture.

Sec. 136. NRS 706.8838 is hereby amended to read as follows:

706.8838 A certificate holder shall not permit a taxicab *or limousine* to be operated in passenger service for a period of more than 24 hours unless it meets all of the following standards:

1. The vehicle is structurally sound and operates with a minimum of noise and vibration.

2. The vehicle does not have cracked, broken or badly dented fenders and is painted so as to provide reasonable protection against structural deterioration.

3. ~~The~~ For a taxicab, the vehicle does not have shades or curtains which can be manipulated to shield the occupants or driver from exterior observation or to obstruct vision through the rearview windows.



1 4. The vehicle is washed *at least* once a week, the interior is
2 swept, dusted and vacuumed *at least* once a day and the vehicle is in
3 a clean and sanitary condition.

4 5. The floor mat is made of rubber or a similar nonabsorbent,
5 washable material, is easily removable and is not torn.

6 **Sec. 137.** NRS 706.8839 is hereby amended to read as
7 follows:

8 706.8839 1. The Administrator may inspect a taxicab *or*
9 *limousine* at any reasonable time.

10 2. If the Administrator finds that a taxicab *or limousine* is in a
11 condition which violates NRS 706.8837, he shall remove the vehicle
12 from service, shall place an out-of-service sticker on the windshield
13 and shall notify the certificate holder of the defect. The vehicle shall
14 remain out of service until the defect has been remedied and the
15 Administrator upon reinspection has approved the vehicle and
16 removed the out-of-service sticker.

17 3. If the Administrator finds that a taxicab *or limousine* is in a
18 condition which violates NRS 706.8838, he shall notify the
19 certificate holder of the improper condition and, after a reasonable
20 time, shall reinspect the vehicle. If upon reinspection the violation
21 has not been corrected, the vehicle ~~[shall]~~ *must* be removed from
22 service until it is reinspected and approved, as provided in
23 subsection 2.

24 **Sec. 138.** NRS 706.8841 is hereby amended to read as
25 follows:

26 706.8841 1. The Administrator shall issue a driver's permit
27 to qualified persons who wish to be employed by certificate holders
28 as taxicab *or limousine* drivers. Before issuing a driver's permit, the
29 Administrator shall:

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

36 (b) Require proof that the applicant:

37 (1) Has been a resident of the State for 30 days before his
38 application for a permit;

39 (2) Can read and orally communicate in the English
40 language; and

41 (3) Has a valid license issued under NRS 483.325 which
42 authorizes him to drive a taxicab *or limousine* in this State.

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



(a) A felony relating to the practice of taxicab *or limousine* 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 NRS 484.37955 or a law of any other jurisdiction that prohibits the same or similar conduct.

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 *or limousine* driver shall pay to the Administrator, in advance, \$40 for an original driver's permit and \$10 for a renewal.

Sec. 139. NRS 706.8844 is hereby amended to read as follows:

706.8844 1. A certificate holder *who operates taxicabs* shall require his drivers to keep a daily trip sheet in a form to be prescribed by the Taxicab Authority.

2. At the beginning of each period of duty the driver shall record on his trip sheet:

(a) His name and the number of his taxicab;

(b) The time at which he began his period of duty by means of a time clock provided by the certificate holder;

(c) The meter readings for total miles, paid miles, trips, units, extra passengers and extra charges; and

(d) The odometer reading of the taxicab.

3. During his period of duty the driver shall record on his trip sheet:

(a) The time, place of origin and destination of each trip; and

(b) The number of passengers and amount of fare for each trip.

4. At the end of each period of duty the driver shall record on his trip sheet:

(a) The time at which he ended his period of duty by means of a time clock provided by the certificate holder;

(b) The meter readings for total miles, paid miles, trips, units and extra passengers; and

(c) The odometer reading of the taxicab.

5. A certificate holder shall furnish a trip sheet form for each taxicab operated by a driver during his period of duty and shall



1 require his drivers to return their completed trip sheets at the end of
2 each period of duty.

3 6. A certificate holder shall retain all trip sheets of all drivers in
4 a safe place for a period of 3 years immediately succeeding
5 December 31 of the year to which they respectively pertain and shall
6 make such manifests available for inspection by the Administrator
7 upon reasonable demand.

8 7. Any driver who maintains a trip sheet in a form less
9 complete than that required by subsection 1 is guilty of a
10 misdemeanor.

11 **Sec. 140.** NRS 706.8845 is hereby amended to read as
12 follows:

13 706.8845 While a driver *of a taxicab* is on duty, he ~~[shall:]~~
14 *must*:

15 1. Be appropriately dressed by the standards of the taxicab
16 business.

17 2. Be neat and clean in person and appearance.

18 3. Refrain from talking loudly, *from* uttering profanity and
19 from shouting to other drivers.

20 4. Not have in his possession a lighted cigar, cigarette or pipe
21 while a passenger is being carried in his taxicab.

22 5. Not chew tobacco or use snuff while a passenger is being
23 carried in his taxicab.

24 6. Attend his taxicab if it is being held out for hire.

25 7. Not permit his taxicab to remain at a taxicab stand unless it
26 is being held out for hire.

27 8. Discourage passengers from entering or leaving a taxicab
28 from the left side except at the left curb of a one-way street or while
29 the car is parked perpendicularly to a curb.

30 9. Not load or unload passengers or luggage at an intersection
31 or crosswalk or at any place or in any manner that will interfere with
32 the orderly flow of traffic.

33 10. Not carry more than two passengers in the front seat of the
34 taxicab or carry more passengers in the back seat of the taxicab than
35 are authorized by the manufacturer's recommendations.

36 11. Not leave his taxicab unattended with the key in the
37 ignition lock.

38 12. Operate his taxicab in accordance with all applicable state
39 and local laws and regulations and with due regard for the safety,
40 comfort and convenience of passengers and of the general public.

41 **Sec. 141.** NRS 706.8846 is hereby amended to read as
42 follows:

43 706.8846 With respect to a passenger's destination, a driver *of*
44 *a taxicab* shall not:



1 1. Deceive or attempt to deceive any passenger who rides or
2 desires to ride in his taxicab.

3 2. Convey or attempt to convey any passenger to a destination
4 other than the one directed by the passenger.

5 3. Take a longer route to the passenger's destination than is
6 necessary, unless specifically requested so to do by the passenger.

7 4. Fail to comply with the reasonable and lawful requests of the
8 passenger as to speed of travel and route to be taken.

9 **Sec. 142.** NRS 706.8847 is hereby amended to read as
10 follows:

11 706.8847 1. A driver *of a taxicab* shall not refuse or neglect
12 to transport any orderly person to that person's destination if:

13 (a) That person requests the driver to transport him; and

14 (b) The requested destination is within the area allocated to the
15 certificate holder who employs the driver.

16 2. Subsection 1 does not apply if the driver can show beyond a
17 reasonable doubt that:

18 (a) He has good reason to fear for his personal safety;

19 (b) The taxicab has been previously engaged by another person;
20 or

21 (c) He is forbidden by law or regulation to carry the person
22 requesting transportation.

23 **Sec. 143.** NRS 706.8849 is hereby amended to read as
24 follows:

25 706.8849 1. A ~~taxicab~~ driver *of a taxicab* shall:

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

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

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

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

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

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



* S B 1 0 7 *

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

2. *A driver of a limousine shall:*

(a) Not drive a limousine 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.

(b) 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.

(c) Not operate a limousine 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.

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

3. If a driver violates any provision of subsection 1 ~~1~~ or 2, 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 ~~1~~

~~—3.1~~ or paragraph (a) of subsection 2.

4. Only violations occurring in the 12 months immediately preceding the most ~~current~~ recent violation may be considered for the purposes of subsection ~~2.1~~ 3. The Administrator shall inspect the driver's record for that period to compute the number of offenses committed.



Sec. 144. NRS 706.885 is hereby amended to read as follows:

706.885 1. Any person who knowingly makes or causes to be made, either directly or indirectly, a false statement on an application, account or other statement required by the Taxicab Authority or the Administrator or who violates any of the provisions of NRS 706.881 to 706.885, inclusive, *and sections 42 to 45, inclusive, of this act* is guilty of a misdemeanor.


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

(a) Any violation of any provision of NRS 706.881 to 706.885, inclusive, *and sections 42 to 45, inclusive, of this act* or any regulation of the Taxicab Authority or Administrator.

(b) Knowingly permitting or requiring any employee to violate any provision of NRS 706.881 to 706.885, inclusive, *and sections 42 to 45, inclusive, of this act* or any regulation of the Taxicab Authority or Administrator.

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

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

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

5. The conviction of a person pursuant to subsection 1 does not bar the Taxicab Authority or Administrator from suspending or revoking any certificate, permit or license of the person convicted. The imposition of a fine or suspension or revocation of any certificate, permit or license by the Taxicab Authority or



1 Administrator does not operate as a defense in any proceeding
2 brought under subsection 1.

3 **Sec. 145.** NRS 707.355 is hereby amended to read as follows:

4 707.355 1. Each provider of telephone service in this State
5 shall, when notified that:

6 (a) A court has ordered the disconnection of a telephone number
7 pursuant to NRS 706.2855 ~~[and]~~ *or section 24 of this act;* or

8 (b) The Public Utilities Commission of Nevada has ordered the
9 disconnection of a telephone number pursuant to NRS 624.720 ,
10 ~~[and]~~ 703.175 ~~[and]~~ *or 706.758 or section 13 of this act,*

11 *↪ take such action as is necessary to carry out the order of the court*
12 *or the Public Utilities Commission of Nevada.*

13 2. A provider of telephone service shall not:

14 (a) Forward or offer to forward the telephone calls of a
15 telephone number disconnected from service pursuant to the
16 provisions of this section; or

17 (b) Provide or offer to provide a recorded message that includes
18 the new telephone number for a business whose telephone number
19 was disconnected from service pursuant to the provisions of this
20 section.

21 3. As used in this section, "provider of telephone service"
22 includes, but is not limited to:

23 (a) A public utility furnishing telephone service.

24 (b) A provider of cellular or other service to a telephone that is
25 installed in a vehicle or is otherwise portable.

26 **Sec. 146.** Chapter 712 of NRS is hereby amended by adding
27 thereto the provisions set forth as sections 147, 148 and 149 of this
28 act.

29 **Sec. 147.** *As used in this chapter, unless the context*
30 *otherwise requires, the words and terms defined in NRS 712.030*
31 *and section 148 of this act have the meanings ascribed to them in*
32 *those sections.*

33 **Sec. 148.** *"Division" means the Consumer Affairs Division*
34 *of the Department of Business and Industry.*

35 **Sec. 149.** *The Attorney General or any district attorney may*
36 *prosecute any violation of this chapter for which a criminal*
37 *penalty is provided.*

38 **Sec. 150.** NRS 712.020 is hereby amended to read as follows:

39 712.020 The Legislature hereby finds and declares that the
40 storage of household goods and effects in warehouses affects the
41 public interest and the public welfare, and in the exercise of its
42 police power it is necessary to vest in the ~~[Transportation Services~~
43 ~~Authority]~~ *Division* the authority to set certain standards as to
44 fitness and financial stability, and to require certain insurance as a
45 condition for engaging in such storage business.



1 **Sec. 151.** NRS 712.040 is hereby amended to read as follows:

2 712.040 A person shall not engage in the storage of household
3 goods and effects without first having obtained from the
4 ~~[Transportation Services Authority]~~ **Division** a warehouse permit to
5 conduct such **a** service.

6 **Sec. 152.** NRS 712.050 is hereby amended to read as follows:

7 712.050 1. Before issuing a warehouse permit the
8 ~~[Transportation Services Authority]~~ **Division** shall:

9 (a) Require proof of financial ability to protect persons storing
10 property from loss or damage, and a showing of sufficient assets,
11 including working capital, to carry out the proposed service.

12 (b) Determine that the applicant has sufficient experience in and
13 knowledge of the storage in a warehouse of household goods and
14 effects, and the regulations of the ~~[Transportation Services~~
15 ~~Authority]~~ **Division** governing the storage of household goods and
16 effects.

17 (c) Require proof that the applicant carries a legal policy of
18 liability insurance evidencing coverage against fire, theft, loss and
19 damage for stored property and effects in an amount not less than
20 the base release value set forth in the tariff approved by the
21 ~~[Transportation Services Authority]~~ **Division** governing the
22 transportation of household goods and effects for those articles not
23 covered by private insurance. Except upon 30 days' written notice to
24 the ~~[Transportation Services Authority]~~ **Division**, the insurance
25 must not be cancelled during the period for which any permit is
26 issued. Failure to keep the insurance in effect is cause for revocation
27 of any warehouse permit.

28 (d) Require information showing that the property to be used for
29 storage of household goods and effects is reasonably suitable for
30 that purpose. Failure to maintain the property in suitable condition is
31 cause for revocation of any warehouse permit.

32 (e) Collect an initial fee for the permit as set by the
33 ~~[Transportation Services Authority]~~ **Division** according to the gross
34 volume of business in an amount not less than \$25 nor more than
35 \$50.

36 2. On or before January 1 of each year, the holder of a
37 warehouse permit shall pay to the ~~[Transportation Services~~
38 ~~Authority]~~ **Division** an annual fee as set by the ~~[Transportation~~
39 ~~Services Authority]~~ **Division** pursuant to paragraph (e) of
40 subsection 1.

41 3. Any person who fails to pay the annual fee on or before the
42 date provided in this section shall pay a penalty of 10 percent of the
43 amount of the fee plus interest on the amount of the fee at the rate of
44 1 percent per month or fraction of a month from the date the fee is
45 due until the date of payment.



1 **Sec. 153.** NRS 712.060 is hereby amended to read as follows:
2 712.060 The ~~Transportation Services Authority~~ **Division** or
3 its agents may:

4 1. Inspect any property proposed to be used for storage of
5 household goods and effects to determine its suitability.

6 2. Examine the premises, books and records of any permit
7 holder.

8 **Sec. 154.** NRS 712.070 is hereby amended to read as follows:

9 712.070 The ~~Transportation Services Authority~~ **Division**
10 shall adopt such rules or regulations as may be required for the
11 administration of this chapter.

12 **Sec. 155.** NRS 62A.300 is hereby amended to read as follows:

13 62A.300 "School bus" includes every motor vehicle owned by
14 or under the control of a public or governmental agency or a private
15 school and regularly operated for the transportation of children to or
16 from school or a school activity or privately owned and regularly
17 operated for compensation for the transportation of children to or
18 from school or a school activity. The term does not include a
19 passenger car operated under a contract to transport children to and
20 from school, a common carrier or commercial vehicle under the
21 jurisdiction of the Surface Transportation Board or the
22 ~~Transportation Services Authority~~ **Department of Motor Vehicles**
23 when such a vehicle is operated in the regular conduct of its
24 business in interstate or intrastate commerce within the State of
25 Nevada.

26 **Sec. 156.** NRS 232.510 is hereby amended to read as follows:

27 232.510 1. The Department of Business and Industry is
28 hereby created.

29 2. The Department consists of a Director and the following:

30 (a) Consumer Affairs Division.

31 (b) Division of Financial Institutions.

32 (c) Housing Division.

33 (d) Manufactured Housing Division.

34 (e) Real Estate Division.

35 (f) Division of Insurance.

36 (g) Division of Industrial Relations.

37 (h) Office of Labor Commissioner.

38 (i) Taxicab Authority.

39 (j) Nevada Athletic Commission.

40 (k) Office of the Nevada Attorney for Injured Workers.

41 (l) ~~Transportation Services Authority.~~

42 —(m) Division of Mortgage Lending.

43 ~~(n)~~ (m) Any other office, commission, board, agency or entity
44 created or placed within the Department pursuant to a specific
45 statute, the budget approved by the Legislature or an executive



1 order, or an entity whose budget or activities have been placed
2 within the control of the Department by a specific statute.

3 **Sec. 157.** NRS 232.520 is hereby amended to read as follows:

4 232.520 The Director:

5 1. Shall appoint a chief or executive director, or both of them,
6 of each of the divisions, offices, commissions, boards, agencies or
7 other entities of the Department, unless the authority to appoint such
8 a chief or executive director, or both of them, is expressly vested in
9 another person, board or commission by a specific statute. In
10 making the appointments, the Director may obtain lists of qualified
11 persons from professional organizations, associations or other
12 groups recognized by the Department, if any. The Chief of the
13 Consumer Affairs Division is the Commissioner of Consumer
14 Affairs, the Chief of the Division of Financial Institutions is the
15 Commissioner of Financial Institutions, the Chief of the Housing
16 Division is the Administrator of the Housing Division, the Chief of
17 the Manufactured Housing Division is the Administrator of the
18 Manufactured Housing Division, the Chief of the Real Estate
19 Division is the Real Estate Administrator, the Chief of the Division
20 of Insurance is the Commissioner of Insurance, the Chief of the
21 Division of Industrial Relations is the Administrator of the Division
22 of Industrial Relations, the Chief of the Office of Labor
23 Commissioner is the Labor Commissioner, the Chief of the Taxicab
24 Authority is the Taxicab Administrator, ~~[the Chief of the~~
25 ~~Transportation Services Authority is the Chairman of the Authority,]~~
26 the Chief of the Division of Mortgage Lending is the Commissioner
27 of Mortgage Lending and the chief of any other entity of the
28 Department has the title specified by the Director, unless a different
29 title is specified by a specific statute.

30 2. Is responsible for the administration of all provisions of law
31 relating to the jurisdiction, duties and functions of all divisions and
32 other entities within the Department. The Director may, if he deems
33 it necessary to carry out his administrative responsibilities, be
34 considered as a member of the staff of any division or other entity of
35 the Department for the purpose of budget administration or for
36 carrying out any duty or exercising any power necessary to fulfill
37 the responsibilities of the Director pursuant to this subsection. This
38 subsection does not allow the Director to preempt any authority or
39 jurisdiction granted by statute to any division or other entity within
40 the Department or to act or take on a function that would contravene
41 a rule of court or a statute.

42 3. May:

43 (a) Establish uniform policies for the Department, consistent
44 with the policies and statutory responsibilities and duties of the
45 divisions and other entities within the Department, relating to



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1 matters concerning budgeting, accounting, planning, program
2 development, personnel, information services, dispute resolution,
3 travel, workplace safety, the acceptance of gifts or donations, the
4 management of records and any other subject for which a uniform
5 departmental policy is necessary to ensure the efficient operation of
6 the Department.

7 (b) Provide coordination among the divisions and other entities
8 within the Department, in a manner which does not encroach upon
9 their statutory powers and duties, as they adopt and enforce
10 regulations, execute agreements, purchase goods, services or
11 equipment, prepare legislative requests and lease or use office space.

12 (c) Define the responsibilities of any person designated to carry
13 out the duties of the Director relating to financing, industrial
14 development or business support services.

15 4. May, within the limits of the financial resources made
16 available to him, promote, participate in the operation of, and create
17 or cause to be created, any nonprofit corporation, pursuant to
18 chapter 82 of NRS, which he determines is necessary or convenient
19 for the exercise of the powers and duties of the Department. The
20 purposes, powers and operation of the corporation must be
21 consistent with the purposes, powers and duties of the Department.

22 5. For any bonds which he is otherwise authorized to issue,
23 may issue bonds the interest on which is not exempt from federal
24 income tax or excluded from gross revenue for the purposes of
25 federal income tax.

26 6. May, except as otherwise provided by specific statute, adopt
27 by regulation a schedule of fees and deposits to be charged in
28 connection with the programs administered by him pursuant to
29 chapters 348A and 349 of NRS. Except as otherwise provided by
30 specific statute, the amount of any such fee or deposit must not
31 exceed 2 percent of the principal amount of the financing.

32 7. May designate any person within the Department to perform
33 any of the duties or responsibilities, or exercise any of the authority,
34 of the Director on his behalf.

35 8. May negotiate and execute agreements with public or private
36 entities which are necessary to the exercise of the powers and duties
37 of the Director or the Department.

38 9. May establish a trust account in the State Treasury for
39 depositing and accounting for money that is held in escrow or is on
40 deposit with the Department for the payment of any direct expenses
41 incurred by the Director in connection with any bond programs
42 administered by the Director. The interest and income earned on
43 money in the trust account, less any amount deducted to pay for
44 applicable charges, must be credited to the trust account. Any
45 balance remaining in the account at the end of a fiscal year may be:



(a) Carried forward to the next fiscal year for use in covering the expense for which it was originally received; or

(b) Returned to any person entitled thereto in accordance with agreements or regulations of the Director relating to those bond programs.

Sec. 158. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any provision of NRS 706.881 to 706.885, inclusive, and sections 42 to 45, inclusive, of this act to the contrary, a board of county commissioners of a county may provide by ordinance for the licensing and regulation of taxicabs and limousines that are based within the county.

2. A board of county commissioners of a county may fix, impose and collect a license tax on and from taxicabs and limousines for revenue purposes only.

3. If the board of county commissioners of a county does not adopt an ordinance for the licensing and regulation of taxicabs and limousines that are based within the county as provided in subsection 1, the board may regulate by ordinance the qualifications required of employees or lessees of a taxicab or limousine.

4. An operator of a taxicab or limousine who is subject to licensing and regulation pursuant to this section shall maintain liability insurance in accordance with NRS 706.305 to 706.306, inclusive.

5. As used in this section:

(a) "Based" has the meaning ascribed to in NRS 706.881.

(b) "Limousine" has the meaning ascribed to it in section 42 of this act.

(c) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

Sec. 159. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 160, 161 and 162 of this act.

Sec. 160. *1. If the governing body of an incorporated city requires, pursuant to NRS 268.097, a person to obtain a license, permit or certificate to operate a taxicab or limousine, an applicant for the issuance or renewal of such a license, certificate or permit shall submit to the governing body of the incorporated city the statement prescribed by the Welfare and Supportive Services Division of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. The governing body of the incorporated city shall include the statement required pursuant to subsection 1 in:



1 (a) *The application or any other forms that must be submitted*
2 *for the issuance or renewal of the license, certificate or permit; or*

3 (b) *A separate form prescribed by the governing body of the*
4 *incorporated city.*

5 3. *A license, certificate or permit may not be issued or*
6 *renewed by a governing body of the incorporated city pursuant to*
7 *NRS 268.097 if the applicant:*

8 (a) *Fails to submit the statement required pursuant to*
9 *subsection 1; or*

10 (b) *Indicates on the statement submitted pursuant to*
11 *subsection 1 that he is subject to a court order for the support of a*
12 *child and is not in compliance with the order or a plan approved*
13 *by the district attorney or other public agency enforcing the order*
14 *for the repayment of the amount owed pursuant to the order.*

15 4. *If an applicant indicates on the statement submitted*
16 *pursuant to subsection 1 that he is subject to a court order for the*
17 *support of a child and is not in compliance with the order or a*
18 *plan approved by the district attorney or other public agency*
19 *enforcing the order for the repayment of the amount owed*
20 *pursuant to the order, the governing body of the incorporated city*
21 *shall advise the applicant to contact the district attorney or other*
22 *public agency enforcing the order to determine the actions that the*
23 *applicant may take to satisfy the arrearage.*

24 **Sec. 161.** *An application for the issuance of a license, permit*
25 *or certificate to operate a taxicab or limousine pursuant to NRS*
26 *268.097 must include the social security number of the applicant.*

27 **Sec. 162.** 1. *If the governing body of an incorporated city*
28 *receives a copy of a court order issued pursuant to NRS 425.540*
29 *that provides for the suspension of all professional, occupational*
30 *and recreational licenses, certificates and permits issued to a*
31 *person who is the holder of a license, certificate or permit to*
32 *operate a taxicab or limousine issued in accordance with NRS*
33 *268.097, the governing body of the incorporated city shall deem*
34 *the license, certificate or permit issued to that person to be*
35 *suspended at the end of the 30th day after the date on which*
36 *the court order was issued unless the governing body of the*
37 *incorporated city receives a letter issued to the holder of the*
38 *license, certificate or permit by the district attorney or other public*
39 *agency pursuant to NRS 425.550 stating that the holder of the*
40 *license, certificate or permit has complied with the subpoena or*
41 *warrant or has satisfied the arrearage pursuant to NRS 425.560.*

42 2. *The governing body of an incorporated city shall reinstate*
43 *a license, certificate or permit to operate a taxicab or limousine*
44 *that has been suspended by a district court pursuant to NRS*
45 *425.540 if the governing body receives a letter issued by the district*



1 *attorney or other public agency pursuant to NRS 425.550 to the*
2 *person whose license, certificate or permit was suspended stating*
3 *that the person whose license, certificate or permit was suspended*
4 *has complied with the subpoena or warrant or has satisfied the*
5 *arrearage pursuant to NRS 425.560.*

6 **Sec. 163.** NRS 268.097 is hereby amended to read as follows:

7 268.097 1. ~~{Except as otherwise provided in subsections 2~~
8 ~~and 3.}~~ *Notwithstanding any provision of NRS 706.881 to 706.885,*
9 *inclusive, and sections 42 to 45, inclusive, of this act to the*
10 *contrary, and* notwithstanding the provisions of any local, special or
11 general law, after July 1, 1963, the governing body of any
12 incorporated city in this State, whether incorporated by general or
13 special act, or otherwise, may ~~{not supervise or regulate any}~~ *by*
14 *ordinance provide for the licensing and regulation of* taxicab
15 motor ~~{carrier as defined in NRS 706.126 which is under the~~
16 ~~supervision and regulation of the Transportation Services Authority~~
17 ~~pursuant to law.}~~ *carriers and limousines that are based within the*
18 *incorporated city.*

19 2. The governing body of any incorporated city in this State,
20 whether incorporated by general or special act, or otherwise, may
21 fix, impose and collect a license tax on and from ~~{a}~~ taxicab motor
22 ~~{carrier}~~ *carriers and limousines* for revenue purposes only.

23 3. The governing body of any incorporated city in any county
24 in which the provisions of NRS ~~{706.881}~~ *706.881* to 706.885,
25 inclusive, *and sections 42 to 45, inclusive of this act* do not apply,
26 whether incorporated by general or special act, or otherwise, may
27 regulate by ordinance the qualifications required of employees or
28 lessees of a taxicab motor carrier ~~{in a manner consistent with the~~
29 ~~regulations adopted by the Transportation Services Authority.}~~ *or*
30 *limousine.*

31 4. *An operator of a taxicab or limousine who is subject to*
32 *licensing and regulation pursuant to this section shall maintain*
33 *liability insurance in accordance with NRS 706.305 to 706.306,*
34 *inclusive.*

35 5. *As used in this section:*

36 (a) *"Based" has the meaning ascribed to it in NRS 706.881.*

37 (b) *"Limousine" has the meaning ascribed to it in section 42*
38 *of this act.*

39 (c) *"Taxicab" has the meaning ascribed to it in NRS 706.881.*

40 **Sec. 164.** NRS 289.320 is hereby amended to read as follows:

41 289.320 1. An employee of the ~~{Transportation Services~~
42 ~~Authority}~~ *Department of Motor Vehicles* whom it designates as an
43 inspector or as manager of transportation is a peace officer and has
44 police power for the enforcement of the provisions of:

45 ~~{1. Chapters}~~



(a) Chapter 706 ~~and 712~~ of NRS and all regulations of the ~~Transportation Services Authority or the~~ Department of Motor Vehicles pertaining thereto; and

~~2-~~ (b) Chapter 482 of NRS and NRS 483.230, 483.350 and 483.530 to 483.620, inclusive, for the purposes of carrying out the provisions of chapter 706 of NRS.

2. An employee of the Consumer Affairs Division of the Department of Business and Industry whom it designates as an inspector is a peace officer and has police power for the enforcement of the provisions of chapter 712 of NRS and all regulations of the Consumer Affairs Division pertaining thereto.

Sec. 165. NRS 289.470 is hereby amended to read as follows:
289.470 "Category II peace officer" means:

1. The Bailiff of the Supreme Court;
2. The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;
3. Constables and their deputies whose official duties require them to carry weapons and make arrests;
4. Inspectors employed by the ~~Transportation Services Authority~~ *Department of Motor Vehicles and the Consumer Affairs Division of the Department of Business and Industry* who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;
5. Parole and probation officers;
6. Special investigators who are employed full time by the office of any district attorney or the Attorney General;
7. Investigators of arson for fire departments who are specially designated by the appointing authority;
8. The assistant and deputies of the State Fire Marshal;
9. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;
10. The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;
11. Investigators for the State Forester Firewarden who are specially designated by him and whose primary duties are related to the investigation of arson;
12. School police officers employed by the board of trustees of any county school district;
13. Agents of the State Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to



auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

14. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

15. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

16. Legislative police officers of the State of Nevada;

17. The personnel of the Capitol Police Division of the Department of Public Safety appointed pursuant to subsection 2 of NRS 331.140;

18. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

19. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

20. Field investigators of the Taxicab Authority;

21. Security officers employed full time by a city or county whose official duties require them to carry weapons and make arrests;

22. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department; and

23. Criminal investigators who are employed by the Secretary of State.

Sec. 166. NRS 362.120 is hereby amended to read as follows:

362.120 1. The Department shall, from the statement filed pursuant to NRS 362.110 and from all obtainable data, evidence and reports, compute in dollars and cents the gross yield and net proceeds of the calendar year immediately preceding the year in which the statement is filed.

2. The gross yield must include the value of any mineral extracted which was:

(a) Sold;

(b) Exchanged for any thing or service;

(c) Removed from the State in a form ready for use or sale; or

(d) Used in a manufacturing process or in providing a service,

→ during that period.

3. The net proceeds are ascertained and determined by subtracting from the gross yield the following deductions for costs incurred during that period, and none other:



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- 1 (a) The actual cost of extracting the mineral.
- 2 (b) The actual cost of transporting the mineral to the place or
- 3 places of reduction, refining and sale.
- 4 (c) The actual cost of reduction, refining and sale.
- 5 (d) The actual cost of marketing and delivering the mineral and
- 6 the conversion of the mineral into money.
- 7 (e) The actual cost of maintenance and repairs of:
- 8 (1) All machinery, equipment, apparatus and facilities used
- 9 in the mine.
- 10 (2) All milling, refining, smelting and reduction works,
- 11 plants and facilities.
- 12 (3) All facilities and equipment for transportation except
- 13 those that are under the jurisdiction of the Public Utilities
- 14 Commission of Nevada. ~~for the Transportation Services Authority.]~~
- 15 (f) The actual cost of fire insurance on the machinery,
- 16 equipment, apparatus, works, plants and facilities mentioned in
- 17 paragraph (e).
- 18 (g) Depreciation of the original capitalized cost of the
- 19 machinery, equipment, apparatus, works, plants and facilities
- 20 mentioned in paragraph (e). The annual depreciation charge consists
- 21 of amortization of the original cost in a manner prescribed by
- 22 regulation of the Nevada Tax Commission. The probable life of the
- 23 property represented by the original cost must be considered in
- 24 computing the depreciation charge.
- 25 (h) All money expended for premiums for industrial insurance,
- 26 and the actual cost of hospital and medical attention and accident
- 27 benefits and group insurance for all employees.
- 28 (i) All money paid as contributions or payments under the
- 29 unemployment compensation law of the State of Nevada, as
- 30 contained in chapter 612 of NRS, all money paid as contributions
- 31 under the Social Security Act of the Federal Government, and all
- 32 money paid to either the State of Nevada or the Federal Government
- 33 under any amendment to either or both of the statutes mentioned in
- 34 this paragraph.
- 35 (j) The actual cost of developmental work in or about the mine
- 36 or upon a group of mines when operated as a unit.
- 37 (k) All money paid as royalties by a lessee or sublessee of a
- 38 mine or well, or by both, in determining the net proceeds of the
- 39 lessee or sublessee, or both.
- 40 4. Royalties deducted by a lessee or sublessee constitute part of
- 41 the net proceeds of the minerals extracted, upon which a tax must be
- 42 levied against the person to whom the royalty has been paid.
- 43 5. Every person acquiring property in the State of Nevada to
- 44 engage in the extraction of minerals and who incurs any of the
- 45 expenses mentioned in subsection 3 shall report those expenses and



1 the recipient of any royalty to the Department on forms provided by
2 the Department.

3 6. The several deductions mentioned in subsection 3 do not
4 include any expenditures for salaries, or any portion of salaries, of
5 any person not actually engaged in:

6 (a) The working of the mine;

7 (b) The operating of the mill, smelter or reduction works;

8 (c) The operating of the facilities or equipment for
9 transportation;

10 (d) Superintending the management of any of those operations;
11 or

12 (e) The State of Nevada, in office, clerical or engineering work
13 necessary or proper in connection with any of those operations.

14 **Sec. 167.** NRS 373.117 is hereby amended to read as follows:

15 373.117 1. A regional transportation commission, a county
16 whose population is less than 100,000 or an incorporated city within
17 such a county may establish or operate a public transit system
18 consisting of:

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

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

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

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

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

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

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

40 (b) The transporting of persons other than those specified in
41 paragraph (b), (c) or (d) of subsection 1 upon request without regard
42 to regular routes or fixed schedules, if the service is provided by a
43 common motor carrier which has a ~~certificate of public~~
44 ~~convenience and necessity issued by the Transportation Services~~
45 ~~Authority]~~ *permit or license issued by the Department of Motor*



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Vehicles pursuant to ~~[NRS 706.386 to 706.411, inclusive, and the service is subject to the rules and regulations adopted by the Transportation Services Authority for a fully regulated carrier.] chapter 706 of NRS.~~

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

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

6. If a commission develops a fixed guideway project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.

7. As used in this section:

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

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

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

~~(d)}~~ (c) "Turnkey procurement" means a competitive procurement process by which a person is selected by a regional transportation commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any



1 combination thereof, a fixed guideway system, or a portion thereof,
2 in accordance with performance criteria and technical specifications
3 established by the commission.

4 **Sec. 168.** NRS 377A.140 is hereby amended to read as
5 follows:

6 377A.140 1. Except as otherwise provided in subsection 2, a
7 public transit system in a county whose population is 400,000 or
8 more may, in addition to providing local transportation within the
9 county and the services described in NRS 377A.130, provide:

10 (a) Programs to reduce or manage motor vehicle traffic; and

11 (b) Any other services for a public transit system which are
12 requested by the general public,

13 ↪ if those additional services are included and described in a long-
14 range plan adopted pursuant to 23 U.S.C. § 134 and 49 U.S.C.
15 § 5303.

16 2. Before a regional transportation commission may provide
17 for an on-call public transit system in an area of the county, other
18 than an on-call public transit system that provides the nonemergency
19 medical transportation described in NRS 377A.130, the commission
20 must receive a determination from the ~~Transportation Services~~
21 ~~Authority~~ *Department of Motor Vehicles* that:

22 (a) There are no common motor carriers of passengers who are
23 authorized to provide on-call operations for transporting passengers
24 in that area; or

25 (b) Although there are common motor carriers of passengers
26 who are authorized to provide on-call operations for transporting
27 passengers in the area, the common motor carriers of passengers do
28 not wish to provide, or are not capable of providing, those
29 operations.

30 3. As used in this section:

31 (a) "Common motor carrier of passengers" has the meaning
32 ascribed to it in NRS 706.041.

33 (b) "On-call public transit system" means a system established
34 to transport passengers only upon the request of a person who needs
35 transportation.

36 **Sec. 169.** NRS 392.330 is hereby amended to read as follows:

37 392.330 1. In addition to the purposes authorized by NRS
38 392.320, a board of trustees may use transportation funds of the
39 school district for:

40 (a) Arranging and paying for transportation, in accordance with
41 subsection 2, by motor vehicles or otherwise, by contract or such
42 other arrangement as the board of trustees finds most economical,
43 expedient and feasible and for the best interests of the school
44 district.



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(b) Purchasing tickets at reduced rates for the transportation of pupils, including, without limitation, homeless pupils, on public buses for use by pupils enrolled in middle school, junior high school and high school to travel to and from school.

2. Transportation may be arranged and contracted for by a board of trustees with:

(a) Any railroad company holding a certificate of public convenience and necessity issued by the Public Utilities Commission of Nevada or bus company or other ~~licensed~~ common motor carrier holding a ~~certificate of public convenience and necessity~~ permit or license issued by the ~~Transportation Services Authority~~ Department of Motor Vehicles pursuant to chapter 706 of NRS.

(b) The owners and operators of private automobiles or other private motor vehicles, including parents of pupils who attend school and are entitled to transportation. When required by the board of trustees, every such private automobile or other private motor vehicle regularly transporting pupils must be insured in the amount required by regulation of the State Board against the loss and damage described in subsection 2 of NRS 392.320.

Sec. 170. NRS 422.2705 is hereby amended to read as follows:

422.2705 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 or recipients of services pursuant to the Children's Health Insurance Program traveling to and returning from providers of services under the State Plan for Medicaid or the Children's Health Insurance Program.

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

3. The Director shall:

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

(b) Establish a program, with the assistance of the ~~Transportation Services Authority of the Department of Business and Industry~~ Department of Motor Vehicles to inspect the vehicles



1 which are used to provide transportation services pursuant to this
2 section to ensure that the vehicles and their operation are safe.

3 4. As used in this section:

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

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

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

9 **Sec. 171.** NRS 433A.160 is hereby amended to read as
10 follows:

11 433A.160 1. Except as otherwise provided in subsection 2,
12 an application for the emergency admission of an allegedly mentally
13 ill person for evaluation, observation and treatment may only be
14 made by an accredited agent of the Department, an officer
15 authorized to make arrests in the State of Nevada or a physician,
16 psychologist, marriage and family therapist, social worker or
17 registered nurse. The agent, officer, physician, psychologist,
18 marriage and family therapist, social worker or registered nurse
19 may:

20 (a) Without a warrant:

21 (1) Take an allegedly mentally ill person into custody to
22 apply for the emergency admission of the person for evaluation,
23 observation and treatment; and

24 (2) Transport the allegedly mentally ill person to a public or
25 private mental health facility or hospital for that purpose, or arrange
26 for the person to be transported by:

27 (I) A local law enforcement agency;

28 (II) A system for the nonemergency medical
29 transportation of persons whose operation is authorized by the
30 ~~Transportation Services Authority;~~ *Department of Motor Vehicles*
31 *pursuant to chapter 706 of NRS;*

32 (III) An entity that is exempt pursuant to NRS 706.745
33 from the provisions of NRS ~~706.386 or~~ 706.421; or

34 (IV) If medically necessary, an ambulance service that
35 holds a permit issued pursuant to the provisions of chapter 450B of
36 NRS,

37 ➤ only if the agent, officer, physician, psychologist, marriage and
38 family therapist, social worker or registered nurse has, based upon
39 his personal observation of the allegedly mentally ill person,
40 probable cause to believe that the person is a mentally ill person
41 and, because of that illness, is likely to harm himself or others if
42 allowed his liberty.

43 (b) Apply to a district court for an order requiring:

44 (1) Any peace officer to take an allegedly mentally ill person
45 into custody to allow the applicant for the order to apply for the



1 emergency admission of the allegedly mentally ill person for
2 evaluation, observation and treatment; and

3 (2) Any agency, system or service described in subparagraph
4 (2) of paragraph (a) to transport the allegedly mentally ill person to
5 a public or private mental health facility or hospital for that purpose.

6 ➤ The district court may issue such an order only if it is satisfied
7 that there is probable cause to believe that the allegedly mentally ill
8 person is a mentally ill person and, because of that illness, is likely
9 to harm himself or others if allowed his liberty.

10 2. An application for the emergency admission of an allegedly
11 mentally ill person for evaluation, observation and treatment may be
12 made by a spouse, parent, adult child or legal guardian of the
13 person. The spouse, parent, adult child or legal guardian and any
14 other person who has a legitimate interest in the allegedly mentally
15 ill person may apply to a district court for an order described in
16 paragraph (b) of subsection 1.

17 3. The application for the emergency admission of an allegedly
18 mentally ill person for evaluation, observation and treatment must
19 reveal the circumstances under which the person was taken into
20 custody and the reasons therefor.

21 4. As used in subsection 1, "an accredited agent of the
22 Department" means any person appointed or designated by the
23 Director of the Department to take into custody and transport to a
24 mental health facility pursuant to subsections 1 and 2 those persons
25 in need of emergency admission.

26 5. Except as otherwise provided in this subsection, each person
27 admitted to a public or private mental health facility or hospital
28 under an emergency admission must be evaluated at the time of
29 admission by a psychiatrist or a psychologist. If a psychiatrist or a
30 psychologist is not available to conduct an evaluation at the time of
31 admission, a physician may conduct the evaluation. Each such
32 emergency admission must be approved by a psychiatrist.

33 **Sec. 172.** NRS 433A.330 is hereby amended to read as
34 follows:

35 433A.330 1. When any involuntary court admission is
36 ordered under the provisions of this chapter, the involuntarily
37 admitted person, together with the court orders and certificates of
38 the physicians, certified psychologists or evaluation team and a full
39 and complete transcript of the notes of the official reporter made at
40 the examination of such person before the court, must be delivered
41 to the sheriff of the county who shall:

42 (a) Transport the person; or

43 (b) Arrange for the person to be transported by:

44 (1) A system for the nonemergency medical transportation of
45 persons whose operation is authorized by the ~~Transportation~~



1 ~~Services-Authority;]~~ *Department of Motor Vehicles pursuant to*
2 *chapter 706 of NRS;* or

3 (2) If medically necessary, an ambulance service that holds a
4 permit issued pursuant to the provisions of chapter 450B of NRS,
5 ➔ to the appropriate public or private mental health facility.

6 2. No mentally ill person may be transported to the mental
7 health facility without at least one attendant of the same sex or a
8 relative in the first degree of consanguinity or affinity being in
9 attendance.

10 **Sec. 173.** NRS 441A.560 is hereby amended to read as
11 follows:

12 441A.560 1. An application to a health authority for an order
13 of emergency isolation or quarantine of a person or a group of
14 persons alleged to have been infected with or exposed to a
15 communicable disease may only be made by another health
16 authority, a physician, a licensed physician assistant, a registered
17 nurse or a medical facility by submitting the certificate required by
18 NRS 441A.570. Within its jurisdiction, upon application or on its
19 own, subject to the provisions of NRS 441A.500 to 441A.720,
20 inclusive, a health authority may:

21 (a) Pursuant to its own order and without a warrant:

22 (1) Take a person or group of persons alleged to and
23 reasonably believed by the health authority to have been infected
24 with or exposed to a communicable disease into custody in any safe
25 location under emergency isolation or quarantine for testing,
26 examination, observation and the provision of or arrangement for
27 the provision of consensual medical treatment; and

28 (2) Transport the person or group of persons alleged to and
29 reasonably believed by the health authority to have been infected
30 with or exposed to a communicable disease to a public or private
31 medical facility, a residence or other safe location for that purpose,
32 or arrange for the person or group of persons to be transported for
33 that purpose by:

34 (I) A local law enforcement agency;

35 (II) A system for the nonemergency medical
36 transportation of persons whose operation is authorized by the
37 ~~[Transportation Services-Authority;]~~ *Department of Motor Vehicles*
38 *pursuant to chapter 706 of NRS;* or

39 (III) If medically necessary, an ambulance service that
40 holds a permit issued pursuant to the provisions of chapter 450B of
41 NRS,

42 ➔ only if the health authority acting in good faith has, based upon
43 personal observation, its own epidemiological investigation or an
44 epidemiological investigation by another health authority, a
45 physician, a licensed physician assistant or a registered nurse as



1 stated in a certificate submitted pursuant to NRS 441A.570, if such a
2 certificate was submitted, of the person or group of persons alleged
3 to have been infected with or exposed to a communicable disease, a
4 reasonable factual and medical basis to believe that the person or
5 group of persons has been infected with or exposed to a
6 communicable disease, and that because of the risks of that disease,
7 the person or group of persons is likely to be an immediate threat to
8 the health of members of the public who have not been infected with
9 or exposed to the communicable disease.

10 (b) Petition a district court for an emergency order requiring:

11 (1) Any health authority or peace officer to take a person or
12 group of persons alleged to have been infected with or exposed to a
13 communicable disease into custody to allow the health authority to
14 investigate, file and prosecute a petition for the involuntary court-
15 ordered isolation or quarantine of the person or group of persons
16 alleged to have been infected with or exposed to a communicable
17 disease in the manner set forth in NRS 441A.500 to 441A.720,
18 inclusive; and

19 (2) Any agency, system or service described in subparagraph
20 (2) of paragraph (a) to transport, in accordance with such court
21 order, the person or group of persons alleged to have been infected
22 with or exposed to a communicable disease to a public or private
23 medical facility, a residence or other safe location for that purpose.

24 2. The district court may issue an emergency order for isolation
25 or quarantine pursuant to paragraph (b) of subsection 1:

26 (a) Only for the time deemed necessary by the court to allow a
27 health authority to investigate, file and prosecute each petition for
28 involuntary court-ordered isolation or quarantine pursuant to NRS
29 441A.500 to 441A.720, inclusive; and

30 (b) Only if it is satisfied that there is probable cause to believe
31 that the person or group of persons alleged to have been infected
32 with or exposed to a communicable disease has been infected with
33 or exposed to a communicable disease, and that because of the risks
34 of that disease, the person or group of persons is likely to be an
35 immediate threat to the health of the public.

36 **Sec. 174.** NRS 441A.720 is hereby amended to read as
37 follows:

38 441A.720 When any involuntary court isolation or quarantine
39 is ordered under the provisions of NRS 441A.500 to 441A.720,
40 inclusive, the involuntarily isolated or quarantined person, together
41 with the court orders, any certificates of the health authorities,
42 physicians, licensed physician assistants or registered nurses, the
43 written summary of the evaluation team and a full and complete
44 transcript of the notes of the official reporter made at the



1 examination of such person before the court, must be delivered to
2 the sheriff of the appropriate county who must be ordered to:

3 1. Transport the person; or

4 2. Arrange for the person to be transported by:

5 (a) A system for the nonemergency medical transportation of
6 persons whose operation is authorized by the ~~[Transportation~~
7 ~~Services Authority;]~~ *Department of Motor Vehicles pursuant to*
8 *chapter 706 of NRS;* or

9 (b) If medically necessary, an ambulance service that holds a
10 permit issued pursuant to the provisions of chapter 450B of NRS,
11 to the appropriate public or private medical facility, residence or
12 other safe location.

13 **Sec. 175.** NRS 445B.200 is hereby amended to read as
14 follows:

15 445B.200 1. The State Environmental Commission is hereby
16 created within the Department. The Commission consists of:

17 (a) The Director of the Department of Wildlife;

18 (b) The State Forester Firewarden;

19 (c) The State Engineer;

20 (d) The Director of the State Department of Agriculture;

21 (e) The Administrator of the Division of Minerals of the
22 Commission on Mineral Resources;

23 (f) A member of the State Board of Health to be designated by
24 that Board; and

25 (g) Five members appointed by the Governor, one of whom is a
26 general engineering contractor or a general building contractor
27 licensed pursuant to chapter 624 of NRS and one of whom
28 possesses expertise in performing mining reclamation.

29 2. The Governor shall appoint the Chairman of the
30 Commission from among the members of the Commission.

31 3. A majority of the members constitutes a quorum, and a
32 majority of those present must concur in any decision.

33 4. Each member who is appointed by the Governor is entitled
34 to receive a salary of not more than \$80, as fixed by the
35 Commission, for each day's attendance at a meeting of the
36 Commission.

37 5. While engaged in the business of the Commission, each
38 member and employee of the Commission is entitled to receive the
39 per diem allowance and travel expenses provided for state officers
40 and employees generally.

41 6. Any person who receives or has received during the
42 previous 2 years a significant portion of his income, as defined by
43 any applicable state or federal law, directly or indirectly from one or
44 more holders of or applicants for a permit required by NRS
45 445A.300 to 445A.730, inclusive, is disqualified from serving as a



1 member of the Commission. The provisions of this subsection do
2 not apply to any person who receives, or has received during the
3 previous 2 years, a significant portion of his income from any
4 department or agency of State Government which is a holder of or
5 an applicant for a permit required by NRS 445A.300 to 445A.730,
6 inclusive.

7 7. The Department shall provide technical advice, support and
8 assistance to the Commission. All state officers, departments,
9 commissions and agencies, including the Department of
10 Transportation, the Department of Health and Human Services, the
11 Nevada System of Higher Education, the State Public Works Board,
12 the Department of Motor Vehicles, the Department of Public Safety,
13 the Public Utilities Commission of Nevada ~~[, the Transportation~~
14 ~~Services Authority]~~ and the State Department of Agriculture may
15 also provide technical advice, support and assistance to the
16 Commission.

17 **Sec. 176.** NRS 481.051 is hereby amended to read as follows:

18 481.051 1. The Director shall direct and supervise all
19 administrative and technical activities of the Department.

20 2. The Director may organize the Department into various
21 divisions, alter the organization and reassign responsibilities and
22 duties as he deems appropriate.

23 3. The Director shall:

24 (a) Formulate the policy of the Department and the various
25 divisions thereof.

26 (b) Coordinate the activities of the various divisions of the
27 Department.

28 (c) Adopt such regulations consistent with law as he deems
29 necessary for the operation of the Department and the enforcement
30 of all laws administered by the Department.

31 4. The Director may appoint vendors to serve as agents of the
32 Department to sell temporary permits. The vendor shall collect the
33 fees for the permits issued pursuant to chapter 706 of NRS and pay
34 them to the Department. The vendor shall guarantee payment by
35 giving a bond in an amount not less than \$25,000, executed by the
36 vendor as principal, and by a corporation qualified pursuant to the
37 laws of this State as surety, payable to the State of Nevada. In lieu
38 of a bond, the vendor may deposit with the State Treasurer a like
39 amount of lawful money of the United States or any other form of
40 security authorized by NRS 100.065. If security is provided in the
41 form of a savings certificate, certificate of deposit or investment
42 certificate, the certificate must state that the amount is not available
43 for withdrawal except upon approval of the Director. Upon approval
44 of the Governor, the Director may appoint ~~[inspectors of the~~
45 ~~Transportation Services Authority and]~~ personnel of the Nevada



1 Highway Patrol Division of the Department of Public Safety to
2 serve without remuneration as vendors for the purposes of this
3 subsection.

4 5. The Director may delegate to the officers and employees of
5 the Department such authorities and responsibilities not otherwise
6 delegated by law as he deems necessary for the efficient conduct of
7 the business of the Department.

8 **Sec. 177.** NRS 483.160 is hereby amended to read as follows:

9 483.160 1. "School bus" means every motor vehicle owned
10 by or under the control of a public or governmental agency or a
11 private school and regularly operated for the transportation of
12 children to or from school or a school activity or privately owned
13 and regularly operated for compensation for the transportation of
14 children to or from school or a school activity.

15 2. "School bus" does not include a passenger car operated
16 under a contract to transport children to and from school, a common
17 carrier or commercial vehicle under the jurisdiction of the Surface
18 Transportation Board or the ~~{Transportation Services Authority}~~
19 *Department pursuant to chapter 706 of NRS* when such a vehicle
20 is operated in the regular conduct of its business in interstate or
21 intrastate commerce within the State of Nevada.

22 **Sec. 178.** NRS 484.148 is hereby amended to read as follows:

23 484.148 1. "School bus" means every motor vehicle owned
24 by or under the control of a public or governmental agency or a
25 private school and regularly operated for the transportation of
26 children to or from school or a school activity or privately owned
27 and regularly operated for compensation for the transportation of
28 children to or from school or a school activity.

29 2. "School bus" does not include a passenger car operated
30 under a contract to transport children to and from school, a common
31 carrier or commercial vehicle under the jurisdiction of the Surface
32 Transportation Board or the ~~{Transportation Services Authority}~~
33 *Department pursuant to chapter 706 of NRS* when such vehicle is
34 operated in the regular conduct of its business in interstate or
35 intrastate commerce within the State of Nevada.

36 **Sec. 179.** NRS 484.229 is hereby amended to read as follows:

37 484.229 1. Except as otherwise provided in subsections 2, 3
38 and 4, the driver of a vehicle which is in any manner involved in an
39 accident on a highway or on premises to which the public has
40 access, if the accident results in bodily injury to or the death of any
41 person or total damage to any vehicle or item of property to an
42 apparent extent of \$750 or more, shall, within 10 days after the
43 accident, forward a written report of the accident to the Department.
44 Whenever damage occurs to a motor vehicle, the operator shall
45 attach to the accident report an estimate of repairs or a statement of



1 the total loss from an established repair garage, an insurance
2 adjuster employed by an insurer licensed to do business in this State,
3 an adjuster licensed pursuant to chapter 684A of NRS or an
4 appraiser licensed pursuant to chapter 684B of NRS. The
5 Department may require the driver or owner of the vehicle to file
6 supplemental written reports whenever the original report is
7 insufficient in the opinion of the Department.

8 2. A report is not required from any person if the accident was
9 investigated by a law enforcement agency and the report of the
10 investigating officer contains:

11 (a) The name and address of the insurance company providing
12 coverage to each person involved in the accident;

13 (b) The number of each policy; and

14 (c) The dates on which the coverage begins and ends.

15 3. The driver of a vehicle subject to the jurisdiction of the
16 Surface Transportation Board or the ~~Transportation Services~~
17 ~~Authority~~ *Department pursuant to chapter 706 of NRS* need not
18 submit in his report the information requested pursuant to
19 subsection 3 of NRS 484.247 until the 10th day of the month
20 following the month in which the accident occurred.

21 4. A written accident report is not required pursuant to this
22 chapter from any person who is physically incapable of making a
23 report, during the period of his incapacity. Whenever the driver is
24 physically incapable of making a written report of an accident as
25 required in this section and he is not the owner of the vehicle, the
26 owner shall within 10 days after knowledge of the accident make the
27 report not made by the driver.

28 5. All written reports required in this section to be forwarded to
29 the Department by drivers or owners of vehicles involved in
30 accidents are without prejudice to the person so reporting and are for
31 the confidential use of the Department or other state agencies having
32 use of the records for accident prevention, except that the
33 Department may disclose to a person involved in an accident or to
34 his insurer the identity of another person involved in the accident
35 when his identity is not otherwise known or when he denies his
36 presence at the accident. The Department may also disclose the
37 name of his insurer and the number of his policy.

38 6. A written report forwarded pursuant to the provisions of this
39 section may not be used as evidence in any trial, civil or criminal,
40 arising out of an accident except that the Department shall furnish
41 upon demand of any party to such a trial, or upon demand of any
42 court, a certificate showing that a specified accident report has or
43 has not been made to the Department in compliance with law, and,
44 if the report has been made, the date, time and location of the
45 accident, the names and addresses of the drivers, the owners of the



1 vehicles involved and the investigating officers. The report may be
2 used as evidence when necessary to prosecute charges filed in
3 connection with a violation of NRS 484.236.

4 **Sec. 180.** NRS 484.631 is hereby amended to read as follows:

5 484.631 1. Tow cars must be equipped with:

6 (a) One or more brooms, and the driver of the tow car engaged
7 to remove a disabled vehicle from the scene of an accident shall
8 remove all glass and debris deposited upon the roadway by the
9 disabled vehicle which is to be towed.

10 (b) A shovel, and whenever practical the driver of the tow car
11 engaged to remove any disabled vehicle shall spread dirt upon any
12 portion of the roadway where oil or grease has been deposited by
13 the disabled vehicle.

14 (c) At least one fire extinguisher of the dry chemical or carbon
15 dioxide type, with minimum effective chemicals of no less than 5
16 pounds, with an aggregate rating of at least 10-B, C units, which
17 must bear the approval of a laboratory nationally recognized as
18 properly equipped to grant such approval.

19 2. A citation may be issued to any driver of a tow car who
20 violates any provision of paragraph (a) of subsection 1. The peace
21 officer who issues the citation shall report the violation to the
22 Nevada Highway Patrol or the sheriff of the county or the chief of
23 police of the city in which the roadway is located. If necessary,
24 the Nevada Highway Patrol, sheriff or chief of police shall cause the
25 roadway to be cleaned and shall bill the owner or operator of the
26 tow car for the costs of the cleaning. If the owner or operator does
27 not pay those costs within 30 days after receiving the bill ~~[therefor,~~
28 ~~the Nevada Highway Patrol,]~~ :

29 *(a) If the sheriff or chief of police caused the roadway to be*
30 *cleaned, the sheriff or chief of police shall report such information*
31 *to the ~~[Transportation Services Authority,]~~ Nevada Highway Patrol,*
32 *which may take disciplinary action in accordance with the*
33 *provisions of NRS 706.449 ~~[.]~~ ; and*

34 *(b) If the Nevada Highway Patrol caused the roadway to be*
35 *cleaned, the Nevada Highway Patrol may take disciplinary action*
36 *in accordance with the provisions of NRS 706.449.*

37 **Sec. 181.** NRS 487.038 is hereby amended to read as follows:

38 487.038 1. Except as otherwise provided in subsections 3 and
39 4, the owner or person in lawful possession of any real property
40 may, after giving notice pursuant to subsection 2, utilize the services
41 of any tow car operator subject to the jurisdiction of the
42 ~~[Transportation Services Authority]~~ *Nevada Highway Patrol*
43 *pursuant to chapter 706 of NRS* to remove any vehicle parked in an
44 unauthorized manner on that property to the nearest public garage or
45 storage yard if:



1 (a) A sign is displayed in plain view on the property declaring
2 public parking to be prohibited or restricted in a certain manner; and

3 (b) The sign shows the telephone number of the police
4 department or sheriff's office.

5 2. Oral notice must be given to the police department or
6 sheriff's office, whichever is appropriate, indicating:

7 (a) The time the vehicle was removed;

8 (b) The location from which the vehicle was removed; and

9 (c) The location to which the vehicle was taken.

10 3. Any vehicle which is parked in a space designated for the
11 handicapped and is not properly marked for such parking may be
12 removed if notice is given to the police department or sheriff's
13 office pursuant to subsection 2, whether or not a sign is displayed
14 pursuant to subsection 1.

15 4. The owner or person in lawful possession of residential real
16 property upon which a single-family dwelling is located may, after
17 giving notice pursuant to subsection 2, utilize the services of any
18 tow car operator subject to the jurisdiction of the ~~Transportation~~
19 ~~Services Authority~~ *Nevada Highway Patrol pursuant to chapter*
20 *706 of NRS* to remove any vehicle parked in an unauthorized
21 manner on that property to the nearest public garage or storage yard,
22 whether or not a sign is displayed pursuant to subsection 1.

23 5. All costs incurred, under the provisions of this section, for
24 towing and storage must be borne by the owner of the vehicle, as
25 that term is defined in NRS 484.091.

26 6. The provisions of this section do not limit or affect any
27 rights or remedies which the owner or person in lawful possession
28 of real property may have by virtue of other provisions of the law
29 authorizing the removal of a vehicle parked on that property.

30 **Sec. 182.** NRS 565.040 is hereby amended to read as follows:

31 565.040 1. The Director may declare any part of this State a
32 brand inspection district.

33 2. After the creation of any brand inspection district as
34 authorized by this chapter, all animals within ~~any such~~ *the* district
35 are subject to brand inspection in accordance with the provisions of
36 this chapter before:

37 (a) Consignment for slaughter within any district;

38 (b) Any transfer of ownership by sale or otherwise; or

39 (c) Removal from the district if the removal is not authorized
40 pursuant to a livestock movement permit issued by the Department.

41 3. If a brand inspection district is created by the Department
42 pursuant to the provisions of this chapter, the Director shall adopt
43 regulations defining the boundaries of the district and the fees to be
44 collected for brand inspection and prescribing such other methods of



1 procedure not inconsistent with the provisions of this chapter as he
2 considers necessary.

3 4. Any regulations adopted pursuant to the provisions of this
4 section must be published at least twice in a newspaper having a
5 general circulation in the brand inspection district created by the
6 regulations, and copies of the regulations must be mailed to all
7 common carriers of record with the ~~{Transportation Services~~
8 ~~Authority}~~ *Department of Motor Vehicles pursuant to chapter 706*
9 *of NRS* operating in the brand inspection district. Such publication
10 and notification constitutes legal notice of the creation of the brand
11 inspection district. The expense of advertising and notification must
12 be paid from the Livestock Inspection Account.

13 **Sec. 183.** NRS 598A.040 is hereby amended to read as
14 follows:

15 598A.040 The provisions of this chapter do not apply to:

16 1. Any labor, agricultural or horticultural organizations
17 organized for the purpose of self-help and not for profit to itself
18 ~~{nor}~~ *or* to individual members thereof, while lawfully carrying out
19 its legitimate objects.

20 2. Bona fide religious and charitable activities of any nonprofit
21 corporation, trust or organization established exclusively for
22 religious or charitable purposes.

23 3. Conduct which is expressly authorized, regulated or
24 approved by:

25 (a) A statute of this State or of the United States;

26 (b) An ordinance of any city or county of this State, except for
27 ordinances relating to community antenna television companies; or

28 (c) An administrative agency of this State or of the United States
29 or of a city or county of this State, having jurisdiction of the subject
30 matter.

31 4. Conduct or agreements relating to rates, fares,
32 classifications, divisions, allowances or charges, including charges
33 between carriers and compensation paid or received for the use of
34 facilities and equipment, that are authorized, regulated or approved
35 by the ~~{Transportation Services Authority}~~ *Department of Motor*
36 *Vehicles, Consumer Affairs Division of the Department of*
37 *Business and Industry or the Nevada Highway Patrol* pursuant to
38 chapter 706 of NRS.

39 5. Restrictive covenants:

40 (a) Which are part of a contract of sale for a business and which
41 bar the seller of the business from competing with the purchaser of
42 the business sold within a reasonable market area for a reasonable
43 period of time; or

44 (b) Which are part of a commercial shopping center lease and
45 which bar the parties from permitting or engaging in the furnishing



1 of certain services or the sale of certain commodities within the
2 commercial shopping center where such leased premises are located.

3 **Sec. 184.** NRS 694C.360 is hereby amended to read as
4 follows:

5 694C.360 Insurance provided by a captive insurer in
6 accordance with this chapter may not be used to satisfy the
7 requirements set forth in chapter 706 of NRS relating to the
8 insurance required to be maintained by vehicles subject to
9 the jurisdiction of the ~~Transportation Services Authority~~
10 *Department of Motor Vehicles, Consumer Affairs Division of the*
11 *Department of Business and Industry, Nevada Highway Patrol* or
12 Taxicab Authority ~~[, unless the Transportation Services Authority or~~
13 ~~Taxicab Authority,]~~ *or a county or incorporated city,* as
14 appropriate, *unless that entity* specifically approves the use of
15 insurance provided by a captive insurer for that purpose.

16 **Sec. 185.** NRS 338.135, 706.018, 706.031, 706.056, 706.072,
17 706.126, 706.1511, 706.1512, 706.1513, 706.1514, 706.1515,
18 706.1516, 706.1517, 706.1518, 706.167, 706.1675, 706.172,
19 706.1725, 706.176, 706.196, 706.201, 706.256, 706.266, 706.2873,
20 706.2875, 706.288, 706.2883, 706.351, 706.356, 706.371, 706.411,
21 706.4464, 706.461, 706.465, 706.471, 706.473, 706.475, 706.6411
22 and 706.766 are hereby repealed.

23 **Sec. 186.** 1. Any regulations adopted by the Transportation
24 Services Authority relating to:

25 (a) The regulation of taxicabs and limousines remain in force
26 until amended or repealed by the Taxicab Authority;

27 (b) The regulation of carriers of household goods remain in
28 force until amended or repealed by the Consumer Affairs Division
29 of the Department of Business and Industry;

30 (c) The regulation of operators of tow cars who perform towing
31 services without the prior consent of the operator of the vehicle or
32 the person authorized by the owner to operate the vehicle remain in
33 force until amended or repealed by the Nevada Highway Patrol; and

34 (d) The regulation of common motor carriers, other than carriers
35 of household goods and operators of tow cars who perform towing
36 services without the prior consent of the operator of the vehicle or
37 the person authorized by the owner to operate the vehicle, remain in
38 force until amended or repealed by the Department of Motor
39 Vehicles.

40 2. Any contracts or other agreements entered into by the
41 Transportation Services Authority, whose responsibilities have been
42 transferred pursuant to this act, are binding on:

43 (a) For contracts and other agreements relating to the regulation
44 of taxicabs and limousines, the Taxicab Authority;



(b) For contracts and other agreements relating to the regulation of carriers of household goods, the Consumer Affairs Division of the Department of Business and Industry;

(c) For contracts and other agreements relating to the regulation of operators of tow cars who perform towing services without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle, the Nevada Highway Patrol; and

(d) For contracts and other agreements relating to the regulation of common motor carriers, other than carriers of household goods and operators of tow cars who perform towing services without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle, the Department of Motor Vehicles.

➔ Such contracts and other agreements may be enforced by the agency to which the responsibility for the enforcement of the provisions of the contract or other agreement is transferred.

3. Any certificate of public convenience and necessity issued by the Transportation Services Authority that is in effect on October 1, 2007, shall be deemed to have been issued by:

(a) For certificates of public convenience and necessity issued to carriers of household goods, the Consumer Affairs Division of the Department of Business and Industry.

(b) For certificates of public convenience and necessity issued to operators of tow cars who perform towing services without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle, the Nevada Highway Patrol.

4. Any license or permit issued by the Transportation Services Authority that is in effect on October 1, 2007, shall be deemed to have been issued by the Department of Motor Vehicles.

Sec. 187. The Transportation Services Authority, the Taxicab Authority, the Department of Motor Vehicles, the Nevada Highway Patrol and the Consumer Affairs Division of the Department of Business and Industry shall cooperate fully and take all reasonable steps before October 1, 2007, to ensure that the amendatory provisions of this act are carried out in an orderly fashion.

Sec. 188. On October 1, 2007, the State Controller shall transfer from the Transportation Services Authority Regulatory Fund, abolished pursuant to section 185 of this act:

1. To the Consumer Affairs Division Regulatory Fund, created pursuant to section 6 of this act, all assets and liabilities attributable to the regulation of carriers of household goods and the regulation of the storage of household goods pursuant to chapter 712 of NRS;

2. To the Nevada Highway Patrol Regulatory Fund, created pursuant to section 21 of this act, all assets and liabilities



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1 attributable to the regulation of towing services performed without
2 the prior consent of the operator of the vehicle or the person
3 authorized by the owner to operate the vehicle, and the operators of
4 tow cars who perform those towing services;

5 3. To the Taxicab Authority Fund all assets and liabilities
6 attributable to the regulation of taxicabs; and

7 4. To the State Highway Fund all other assets and liabilities of
8 the Transportation Services Authority Regulatory Fund.

9 **Sec. 189.** The Legislative Counsel shall:

10 1. In preparing the reprint and supplements to the Nevada
11 Revised Statutes, change any reference to the Transportation
12 Services Authority to refer to the appropriate agency.

13 2. In preparing the supplements to the Nevada Administrative
14 Code, change any reference to the Transportation Services Authority
15 to refer to the appropriate agency.

16 **Sec. 190.** 1. This act becomes effective upon passage and
17 approval for the purpose of authorizing any preliminary activities
18 necessary to ensure that the provisions of this act are carried out in
19 an orderly fashion and on October 1, 2007, for all other purposes.

20 2. Sections 160, 161 and 162 of this act expire by limitation on
21 the date on which the provisions of 42 U.S.C. § 666 requiring each
22 state to establish procedures under which the state has authority to
23 withhold or suspend, or to restrict the use of professional,
24 occupational and recreational licenses of persons who:

25 (a) Have failed to comply with a subpoena or warrant relating to
26 a proceeding to determine the paternity of a child or to establish or
27 enforce an obligation for the support of a child; or

28 (b) Are in arrears in the payment for the support of one or more
29 children,

30 ➤ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

338.135 Rental or lease of trucks or truck and trailer combinations by contractors or subcontractors: Hourly rate for vehicle and services of driver.

706.018 "Authority" defined.

706.031 "Commission" defined.

706.056 "Converter gear dolly" defined.

706.072 "Fully regulated carrier" defined.

706.126 "Taxicab motor carrier" defined.



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706.1511 Authority: Creation; appointment, terms and qualifications of members; restriction on other employment of members; members serve at pleasure of Governor.

706.1512 Authority: Designation of Chairman by Governor; Executive Officer; members in unclassified service of State.

706.1513 Suits by and against Authority.

706.1514 Authority: Power of majority of members; exercise of power and conduct of business by majority of members; hearings.

706.1515 Authority: Expenses of investigations, inspections, audits and appearances made outside State.

706.1516 Transportation Services Authority Regulatory Fund: Creation; deposits; use; claims; statements.

706.1517 Authority: Employees who are peace officers may carry firearms.

706.1518 Authority: Biennial report; records open to public.

706.167 Duty of motor carriers to furnish information and annual report.

706.1675 Annual reports, records and statements to be submitted under oath.

706.172 Examination of records and other property of persons regulated by Authority; exception.

706.1725 Disclosure of records subject to examination: Requirements; conditions.

706.176 Employment of personnel by Authority.

706.196 Reports to Department; preservation of records.

706.201 Costs of administration.

706.256 Power of Authority to order repairs of facilities and use of safety appliances.

706.266 Intrastate motor carriers required to furnish information to Authority.

706.2873 Record of hearings: Recording and transcription of testimony; copies to be filed with court clerk and furnished to parties; costs.

706.2875 Order for appearance of witnesses or production of materials; payment of fees and mileage claims by witnesses.

706.288 Order for production of books, accounts, papers or records.

706.2883 Person aggrieved by action or inaction of Taxicab Authority entitled to judicial review; regulations of Transportation Services Authority regarding its review of decisions of Taxicab Authority.



706.351 Free or reduced rates for transportation unlawful; exceptions.

706.356 Certain free transportation prohibited.

706.371 Powers of Authority to regulate contract motor carriers.

706.411 Order of Authority prima facie lawful from date of order.

706.4464 Transfer of certificate of public convenience and necessity: Conditions; application; hearing; approval.

706.461 Investigation of operations and advertising; hearing; order to cease and desist.

706.465 Annual fee.

706.471 Annual fee; penalty and interest.

706.473 Leasing of taxicab to independent contractor: Authorization in certain counties; limitations; approval of agreement; liability for violations; intervention in civil action by Authority.

706.475 Leasing of taxicab to independent contractor: Regulations of Authority.

706.6411 Procedure; limitation on transfer of stock of corporate motor carriers other than operators of tow cars.

706.766 Receipt of compensation not in conformity with rates filed with Authority unlawful; granting of rebate or special privilege unlawful.

