

SENATE BILL NO. 76—SENATOR WASHINGTON

FEBRUARY 12, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Revises provisions governing the Transportation Services Authority and Taxicab Authority. (BDR 58-23)

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

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

AN ACT relating to transportation; requiring employees of the Transportation Services Authority and the Taxicab Authority to wear identifying uniforms and use marked vehicles when exercising enforcement powers in certain circumstances; requiring such employees to have probable cause when stopping or detaining a vehicle while exercising enforcement powers; making such employees who are also peace officers eligible for certain retirement benefits; requiring the Transportation Services Authority and the Taxicab Authority to adopt policies and procedures governing their organizations and operations; requiring notice to be provided before the examination of certain records; requiring the Transportation Services Authority to bring a civil action to recover certain civil penalties instead of imposing certain administrative fines; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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



* S B 7 6 *

Sections 2 and 6 of this bill require an employee of the Transportation Services Authority or the Taxicab Authority to wear an identifying uniform and use a marked vehicle while on duty, unless the employee is participating in an undercover investigation. **Sections 3, 7, 39 and 40** of this bill raise the standard of proof from reasonable suspicion to probable cause regarding when an employee of the Transportation Services Authority or the Taxicab Authority is authorized to stop or detain a person operating a vehicle. (NRS 171.123, 171.1232) **Sections 3, 7, 39 and 40** also require an employee who stops or detains a vehicle to be a peace officer.

Sections 4 and 8 of this bill require the Transportation Services Authority and the Taxicab Authority to establish and carry out policies and procedures for the organization and operation of their respective Authorities, including a code of ethics for personnel.

Section 5 of this bill clarifies that the jurisdiction of the Transportation Services Authority through the issuance of certificates of public convenience and necessity applies only to fully regulated carriers and certain operators of tow cars. **Sections 11-13** of this bill provide that an owner or operator of an interstate or intrastate charter bus service is not a common motor carrier of passengers or a contract motor carrier and, therefore, not a fully regulated carrier under the jurisdiction of the Transportation Services Authority. (NRS 706.041, 706.051, 706.072)

Sections 9 and 16 of this bill provide that employees of the Transportation Services Authority or the Taxicab Authority who are peace officers are eligible to participate in the Police and Firefighters' Retirement Fund created pursuant to NRS 286.225.

Section 14 of this bill clarifies that the Transportation Services Authority has the duty to regulate only those tow car operators who perform towing services without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle. (NRS 706.151)

Sections 18, 19 and 37 of this bill add a notice requirement of at least 72 hours before the Transportation Services Authority, the Department of Public Safety, the Department of Motor Vehicles or the Taxicab Authority may examine the books, records, minutes, papers or other property of a carrier, person or certificate holder. (NRS 706.171, 706.172, 706.8829)

Sections 31 and 34 of this bill remove the Transportation Services Authority's authority to impose certain administrative fines on an operator or carrier which it regulates and instead authorize the Authority to bring a civil action to recover a civil penalty. (NRS 706.449, 706.771)

This bill also revises various provisions of chapter 706 of NRS to refer to "fully regulated carriers" rather than "common motor carriers" and "contract motor carriers" which are included in the definition of "fully regulated carrier."

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

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. 1. *Except as otherwise provided in this section, an employee of the Authority who enforces any provision of NRS 706.011 to 706.791, inclusive, and sections 2 to 5, inclusive, of this*



1 *act or chapter 712 of NRS, or any regulation adopted pursuant*
2 *thereto, while on duty shall:*

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

5 *(b) Use only a vehicle that is clearly marked as a vehicle of the*
6 *Authority.*

7 *2. The provisions of subsection 1 do not apply to an employee*
8 *who is participating in an undercover investigation.*

9 **Sec. 3.** *An employee of the Authority shall not stop or*
10 *otherwise detain a person operating a vehicle unless the employee*
11 *is a peace officer and has probable cause to believe that the person*
12 *has violated a provision of NRS 706.011 to 706.791, inclusive, and*
13 *sections 2 to 5, inclusive, of this act or chapter 712 of NRS, or any*
14 *regulation adopted pursuant thereto.*

15 **Sec. 4.** *The Authority shall adopt and carry out*
16 *organizational and operational procedures and policies, including,*
17 *without limitation, a code of ethics for employees of the Authority*
18 *and procedures and policies for carrying out the duties of the*
19 *Authority as set forth in NRS 706.011 to 706.791, inclusive, and*
20 *sections 2 to 5, inclusive, of this act.*

21 **Sec. 5.** *The provisions of NRS 706.311 to 706.453, inclusive,*
22 *706.471, 706.473, 706.475 and 706.6411 which authorize the*
23 *Authority to issue:*

24 *1. Except as otherwise provided in subsection 2, certificates*
25 *of public convenience and necessity and contract carriers' permits*
26 *and to regulate rates, routes and services apply only to fully*
27 *regulated carriers.*

28 *2. Certificates of public convenience and necessity to*
29 *operators of tow cars and to regulate rates for towing services*
30 *performed without the prior consent of the owner of the vehicle or*
31 *the person authorized by the owner to operate the vehicle apply to*
32 *operators of tow cars.*

33 **Sec. 6.** *1. Except as otherwise provided in this section, an*
34 *employee of the Taxicab Authority who enforces any provision of*
35 *NRS 706.881 to 706.885, inclusive, and sections 6 to 9, inclusive,*
36 *of this act or any regulation adopted pursuant thereto, while on*
37 *duty shall:*

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

40 *(b) Use only a vehicle that is clearly marked as a vehicle of the*
41 *Taxicab Authority.*

42 *2. The provisions of subsection 1 do not apply to an employee*
43 *who is participating in an undercover investigation.*

44 **Sec. 7.** *An employee of the Taxicab Authority shall not stop*
45 *or otherwise detain a person operating a vehicle unless the*



1 *employee is a peace officer and has probable cause to believe that*
2 *the person has violated a provision of NRS 706.881 to 706.885,*
3 *inclusive, and sections 6 to 9, inclusive, of this act or any*
4 *regulation adopted pursuant thereto.*

5 **Sec. 8.** *The Taxicab Authority shall adopt and carry out*
6 *organizational and operational procedures and policies, including,*
7 *without limitation, a code of ethics for employees of the Authority*
8 *and procedures and policies for carrying out the duties of the*
9 *Authority as set forth in NRS 706.881 to 706.885, inclusive, and*
10 *sections 6 to 9, inclusive, of this act.*

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

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

15 706.011 As used in NRS 706.011 to 706.791, inclusive, *and*
16 *sections 2 to 5, inclusive, of this act,* unless the context otherwise
17 requires, the words and terms defined in NRS 706.013 to 706.146,
18 inclusive, have the meanings ascribed to them in those sections.

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

20 706.041 "Common motor carrier of passengers" means any
21 person or operator, including a taxicab motor carrier, who holds
22 himself out to the public as willing to transport by vehicle from
23 place to place, either upon fixed route or on-call operations,
24 passengers or passengers and light express for all who may choose
25 to employ him. *The term does not include any person who owns or*
26 *operates an interstate or intrastate charter bus service.*

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

28 706.051 1. "Contract motor carrier" means any person or
29 operator engaged in transportation by motor vehicle of passengers or
30 household goods for compensation pursuant to continuing contracts
31 with one person or a limited number of persons:

32 ~~1-1~~ (a) For the furnishing of transportation services through the
33 assignment of motor vehicles for a continuing period of time to the
34 exclusive use of each person served;

35 ~~1-2~~ (b) For the furnishing of transportation services designed to
36 meet the distinct need of each individual customer; and

37 ~~1-3~~ (c) Not operating as a common motor carrier of passengers
38 or property.

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

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

42 706.072 "Fully regulated carrier" means a common *motor*
43 carrier or contract *motor* carrier of passengers or household goods
44 who is required to obtain from the Authority a certificate of public



1 convenience and necessity or a contract carrier's permit and whose
2 rates, routes and services are subject to regulation by the Authority.

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

4 706.151 1. It is hereby declared to be the purpose and policy
5 of the Legislature in enacting this chapter:

6 (a) Except to the extent otherwise provided in NRS 706.881 to
7 706.885, inclusive, *and sections 6 to 9, inclusive, of this act*, to
8 confer upon the Authority the power and to make it the duty of the
9 Authority to regulate fully regulated carriers, operators of tow cars
10 *who perform towing services without the prior consent of the*
11 *owner of the vehicle or the person authorized by the owner to*
12 *operate the vehicle* and brokers of regulated services to the extent
13 provided in this chapter , ~~[and]~~ to confer upon the Department of
14 Motor Vehicles the power to license all motor carriers , ~~[and]~~ to
15 make it the duty of the Department of Motor Vehicles and the
16 Department of Public Safety to enforce the provisions of this
17 chapter and the regulations adopted by the Authority pursuant ~~[to it,]~~
18 *thereto and* to relieve the undue burdens on the highways arising by
19 reason of the use of the highways by vehicles in a gainful
20 occupation thereon.

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

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

30 (d) To encourage the establishment and maintenance of
31 reasonable charges for:

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

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

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

39 (e) To discourage any practices which would tend to increase or
40 create competition that may be detrimental to the traveling and
41 shipping public or the motor carrier business within 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. 15. NRS 706.1514 is hereby amended to read as follows:

706.1514 1. A majority of the members of the Authority may exercise all of the power and conduct the business of the Authority relating to common or contract *motor* carriers, taxicabs ~~[]~~ and the warehousing of household goods as provided in this chapter and chapter 712 of NRS.

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

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

706.1517 Employees of the Authority who are peace officers ~~[may]~~ :

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

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

Sec. 17. 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 ~~[]~~ , *and sections 2 to 5, inclusive, of this act.*

2. A purchaser or broker of transportation services which are provided by a ~~[common motor]~~ *fully regulated* carrier who holds a certificate of public convenience and necessity 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 of the ~~[common motor]~~ *fully regulated* carrier. The Authority 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. 18. NRS 706.171 is hereby amended to read as follows:

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

(a) Make necessary and reasonable regulations governing the administration and enforcement of the provisions of this chapter for which they are each 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 they determine to be necessary for the administration and enforcement of this chapter.

(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 fully regulated carrier, and of any other common, contract or private motor carrier doing business in this State to the extent necessary for their respective duties. The Authority, the Department of Motor Vehicles and the Department of Public Safety 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. *The carrier must be given at least 72 hours' notice before an examination is conducted.*

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

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

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

4. 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. 19. NRS 706.172 is hereby amended to read as follows:

706.172 1. Except as otherwise provided in subsection 2, any member of the Authority or any officer or employee of the Authority who is designated by the Authority may examine during



1 the regular business hours the books, accounts, records, minutes,
2 papers and property of any person who is regulated by the Authority
3 and who does business in this State, whether or not the book,
4 account, record, minutes, paper or property is located within this
5 State. *The person must be given at least 72 hours' notice before an*
6 *examination is conducted.*

7 2. No personnel records of an employee may be examined
8 pursuant to subsection 1 unless the records contain information
9 relating to a matter of public safety or the Authority determines that
10 the examination is required to protect the interests of the public.

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

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

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

28 706.311 1. Except as otherwise provided in subsection 2,
29 every ~~{common and contract motor}~~ *fully regulated* carrier is
30 required to furnish reasonably adequate service and facilities, and all
31 transportation charges made by ~~{any such}~~ *the fully regulated*
32 carrier must be just and reasonable.

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

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

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

42 706.321 1. Except as otherwise provided in subsection 2,
43 every ~~{common or contract motor}~~ *fully regulated* carrier shall file
44 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, fares and charges which the *fully regulated* 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 *fully regulated* carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the *fully regulated* carrier that the *fully regulated* carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~§~~ *, and sections 2 to 5, inclusive, of this act.*

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 that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~§~~ *, and sections 2 to 5, inclusive, of this act.*

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

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



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

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

7. All regulations, practices and service prescribed by the Authority must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the Authority itself upon satisfactory showing made.

Sec. 22. NRS 706.323 is hereby amended to read as follows:

706.323 1. Except as otherwise provided in subsection 2, the Authority may not investigate, suspend, revise or revoke any rate that is subject to the approval of the Authority pursuant to NRS 706.321 and proposed by a ~~{common motor carrier or contract motor}~~ *fully regulated* carrier because the rate is too high or too low and therefore unreasonable if:

(a) The ~~{motor}~~ *fully regulated* carrier notifies the Authority that it wishes to have the rate reviewed by the Authority pursuant to this subsection; and

(b) The rate resulting from all increases or decreases within 1 year is not more than 10 percent above or 10 percent below the rate in effect 1 year before the effective date of the proposed rate.

2. This section does not limit the authority of the Transportation Services Authority to investigate, suspend, revise or revoke a proposed rate if the rate would violate the provisions of NRS 706.151.

Sec. 23. NRS 706.326 is hereby amended to read as follows:

706.326 1. Whenever there is filed with the Authority 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 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, upon delivering to the ~~{common or contract motor}~~ *fully regulated* carrier 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,



1 classification, regulation, discontinuance, modification, restriction
2 or practice, but not for a longer period than 150 days beyond the
3 time when the rate, fare, charge, classification, regulation,
4 discontinuance, modification, restriction or practice would
5 otherwise go into effect.

6 3. After full investigation or hearing, whether completed before
7 or after the date upon which the rate, fare, charge, classification,
8 regulation, discontinuance, modification, restriction or practice is to
9 go into effect, the Authority may make such order in reference to the
10 rate, fare, charge, classification, regulation, discontinuance,
11 modification, restriction or practice as would be proper in a
12 proceeding initiated after the rate, fare, charge, classification,
13 regulation, discontinuance, modification, restriction or practice has
14 become effective.

15 4. The Authority shall determine whether it is necessary to
16 hold a hearing to consider the proposed change in any schedule
17 stating a new or revised individual or joint rate, fare or charge. In
18 making that determination, the Authority shall consider all timely
19 written protests, any presentation the staff of the Authority may
20 desire to present, the application and any other matters deemed
21 relevant by the Authority.

22 **Sec. 24.** NRS 706.341 is hereby amended to read as follows:

23 706.341 1. An operator of a tow car shall, in the manner
24 prescribed by the Authority, notify the Authority if the operator
25 discontinues providing towing services from an operating terminal
26 or establishes a new operating terminal from which a tow car
27 provides towing services within 30 days after the operator
28 discontinues providing towing services from an operating terminal
29 or commences operations at the new terminal.

30 2. A ~~common motor~~ *fully regulated* carrier, other than an
31 operator of a tow car ~~or a contract motor carrier of passengers~~
32 *or household goods*, authorized to operate by NRS 706.011 to
33 706.791, inclusive, *and sections 2 to 5, inclusive, of this act* shall
34 not discontinue any service established pursuant to the provisions of
35 NRS 706.011 to 706.791, inclusive, *and sections 2 to 5, inclusive,*
36 *of this act*, and all other laws relating thereto and made applicable
37 thereto by NRS 706.011 to 706.791, inclusive, *and sections 2 to 5,*
38 *inclusive, of this act*, without an order of the Authority granted only
39 after public notice or hearing in the event of protest.

40 **Sec. 25.** NRS 706.346 is hereby amended to read as follows:

41 706.346 1. Except as otherwise provided in subsection 3, a
42 copy, or so much of the schedule or tariff as the Authority
43 determines necessary for the use of the public, must be printed in
44 plain type and posted in every office of a ~~common motor~~ *fully*
45 *regulated* carrier where payments are made by customers or users,



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

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

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

12 **Sec. 26.** NRS 706.351 is hereby amended to read as follows:

13 706.351 1. It is unlawful for:

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

12 4. This section does not prohibit ~~[common-motor]~~ **fully**
13 **regulated** carriers from giving free or reduced rates for the
14 transportation of property of:

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

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

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

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

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

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

33 7. As used in this section, “employees” includes:

34 (a) Furloughed, pensioned and superannuated employees.

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

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

39 **Sec. 27.** NRS 706.356 is hereby amended to read as follows:

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



Sec. 28. NRS 706.371 is hereby amended to read as follows:

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

Sec. 29. NRS 706.391 is hereby amended to read as follows:

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

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

(a) The applicant is financially and operationally fit, willing and able to perform the services of a ~~common-motor~~ *fully regulated* carrier and that the operation of, and the provision of ~~such~~ *those* services by, the applicant as a ~~common-motor~~ *fully regulated* carrier will foster sound economic conditions within the 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 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 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 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~~ *fully regulated* carrier pursuant to



1 paragraph (a) of subsection 2, the Authority shall consider whether
2 the applicant has violated any provision of this chapter or any
3 regulations adopted pursuant thereto.

4 5. The applicant for the certificate or modification:

5 (a) Has the burden of proving to the Authority that the proposed
6 operation will meet the requirements of subsection 2; and

7 (b) Must pay the amounts billed to the applicant by the
8 Authority for the costs incurred by the Authority in conducting any
9 investigation regarding the applicant and the application.

10 6. The Authority may issue or modify a certificate of public
11 convenience and necessity to operate as a ~~[common-motor]~~ *fully*
12 *regulated* carrier, or issue or modify it for:

13 (a) The exercise of the privilege sought.

14 (b) The partial exercise of the privilege sought.

15 7. The Authority may attach to the certificate such terms and
16 conditions as, in its judgment, the public interest may require.

17 8. The Authority may dispense with the hearing on the
18 application if, upon the expiration of the time fixed in the notice
19 thereof, no petition to intervene has been filed on behalf of any
20 person who has filed a protest against the granting of the certificate
21 or modification.

22 **Sec. 30.** NRS 706.398 is hereby amended to read as follows:

23 706.398 The Authority:

24 1. Shall revoke or suspend, pursuant to the provisions of this
25 chapter, the certificate of public convenience and necessity of a
26 ~~[common-motor]~~ *fully regulated* carrier which has failed to:

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

29 (b) Operate as a carrier of intrastate commerce in this State
30 under the terms and conditions of its certificate,

31 ➡ unless the carrier has obtained the prior permission of the
32 Authority.

33 2. May revoke or suspend, pursuant to the provisions of NRS
34 706.2885, the certificate of public convenience and necessity of a
35 ~~[common-motor]~~ *fully regulated* carrier which has failed to comply
36 with any provision of this chapter or any regulation of the Authority
37 adopted pursuant thereto.

38 **Sec. 31.** NRS 706.449 is hereby amended to read as follows:

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



Sec. 32. NRS 706.736 is hereby amended to read as follows:

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

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

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

(c) Special mobile equipment.

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

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

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

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

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

~~3. [The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:~~

~~—(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.~~

~~—(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person~~



~~authorized by the owner to operate the vehicle apply to operators of tow cars.~~

~~—4.]~~ Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to his actual operation as prescribed in this chapter, computed from the date when that operation began.

Sec. 33. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, *and except for a violation of sections 2, 3 and 4 of this act or any regulations adopted pursuant thereto*, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2 to 5, 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, *and sections 2 to 5, inclusive, of this act* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[]~~, *and sections 2 to 5, inclusive, of this act*;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[]~~, *and sections 2 to 5, inclusive, of this act*;

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

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

(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[]~~, *and sections 2 to 5, inclusive, of this act*;

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

↪ without including the number of his certificate of public convenience and necessity or contract carrier's permit in each advertisement;

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

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

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



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

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

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

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

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

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

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

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

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

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

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

Sec. 34. NRS 706.771 is hereby amended to read as follows:

706.771 1. ~~Any~~ *Except for a violation of sections 2, 3 and 4 of this act or any regulations adopted pursuant thereto, any*



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

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

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

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

23 **Sec. 35.** NRS 706.881 is hereby amended to read as follows:

24 706.881 1. The provisions of NRS ~~[706.881-1]~~ **706.881** to
25 706.885, inclusive, **and sections 6 to 9, inclusive, of this act** apply
26 to any county:

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

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

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

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

40 **Sec. 36.** NRS 706.8811 is hereby amended to read as follows:

41 706.8811 As used in NRS 706.881 to 706.885, inclusive, **and**
42 **sections 6 to 9, inclusive, of this act**, unless the context otherwise
43 requires, the words and terms defined in NRS 706.8812 to
44 706.8817, inclusive, have the meanings ascribed to them in those
45 sections.



1 **Sec. 37.** NRS 706.8829 is hereby amended to read as follows:

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

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

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

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

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

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

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

25 **Sec. 38.** NRS 706.885 is hereby amended to read as follows:

26 706.885 1. Any person who knowingly makes or causes to be
27 made, either directly or indirectly, a false statement on an
28 application, account or other statement required by the Taxicab
29 Authority or the Administrator or who violates any of the provisions
30 of NRS 706.881 to 706.885, inclusive, *other than a violation of*
31 *sections 6, 7 and 8 of this act*, is guilty of a misdemeanor.

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

39 (a) Any violation of any provision of NRS 706.881 to 706.885,
40 inclusive, *and sections 6, 7 and 8 of this act*, or any regulation of
41 the Taxicab Authority or Administrator.

42 (b) Knowingly permitting or requiring any employee to violate
43 any provision of NRS 706.881 to 706.885, inclusive, *and sections 6,*
44 *7 and 8 of this act*, or any regulation of the Taxicab Authority or
45 Administrator.



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

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

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

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

26 **Sec. 39.** NRS 171.123 is hereby amended to read as follows:

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

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

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

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



Sec. 40. NRS 171.1232 is hereby amended to read as follows:

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

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

Sec. 41. NRS 482.3963 is hereby amended to read as follows:

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

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

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

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

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

3. Such a temporary permit must:

(a) Bear the date of its expiration;

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

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

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

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

Sec. 42. NRS 484.631 is hereby amended to read as follows:

484.631 1. Tow cars must be equipped with:

(a) One or more brooms, and the driver of the tow car engaged to remove a disabled vehicle from the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled vehicle which is to be towed.



1 (b) A shovel, and whenever practical the driver of the tow car
2 engaged to remove any disabled vehicle shall spread dirt upon any
3 portion of the roadway where oil or grease has been deposited by
4 the disabled vehicle.

5 (c) At least one fire extinguisher of the dry chemical or carbon
6 dioxide type, with minimum effective chemicals of ~~two~~ *not* less
7 than 5 pounds, with an aggregate rating of at least 10-B, C units,
8 which must bear the approval of a laboratory nationally recognized
9 as properly equipped to grant such approval.

10 2. A citation may be issued to any driver of a tow car who
11 violates any provision of paragraph (a) of subsection 1. The peace
12 officer who issues the citation shall report the violation to the
13 Nevada Highway Patrol or the sheriff of the county or the chief of
14 police of the city in which the roadway is located. If necessary, the
15 Nevada Highway Patrol, sheriff or chief of police shall cause
16 the roadway to be cleaned and shall bill the owner or operator of the
17 tow car for the costs of the cleaning. If the owner or operator does
18 not pay those costs within 30 days after receiving the bill therefor,
19 the Nevada Highway Patrol, sheriff or chief of police shall report
20 such information to the Transportation Services Authority, which
21 may ~~take disciplinary~~ *bring an* action *to recover a civil penalty* in
22 accordance with the provisions of NRS 706.449.

23 **Sec. 43.** This act becomes effective upon passage and
24 approval.

