

Amendment No. 1174

Assembly Amendment to Senate Bill No. 393 Third Reprint	(BDR 58-109)
Proposed by: Assemblyman Atkinson	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

BJE



Date: 6/4/2007

S.B. No. 393—Makes various changes concerning transportation. (BDR 58-109)



SENATE BILL NO. 393—SENATOR NOLAN

MARCH 19, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Makes various changes concerning transportation. (BDR 58-109)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

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

AN ACT relating to transportation; requiring certain employees of the Nevada Transportation Authority to receive certain training; changing the name of the “Transportation Services Authority” to the “Nevada Transportation Authority”; requiring the Authority to appoint a Deputy Commissioner; providing the qualifications and duties of the Deputy Commissioner; **requiring the placement of certain advisory questions on the general election ballot in each county**; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the Transportation Services Authority regulates fully regulated carriers, operators of tow cars and brokers of regulated services as provided for in chapter 706 of NRS. (NRS 706.151) **Sections 11-13 and 16** of this bill change the name of the Transportation Services Authority to the Nevada Transportation Authority.

Section 6 of this bill requires the Authority to adopt regulations specifying the training which its compliance enforcement officers must receive.

Existing law allows the Authority to appoint a Deputy and employ other persons as needed. (NRS 706.176) **Section 15** of this bill requires the Authority to appoint a Deputy Commissioner and sets forth the qualifications and duties for the position. **Section 15** also requires the Authority to employ compliance enforcement officers and sets forth the duties for those positions.

Existing law provides that an employee designated as an inspector or as Manager of Transportation by the Authority is a peace officer and has police powers. (NRS 289.320) **Section 18** of this bill amends this provision to apply only to inspectors.

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 7, inclusive, of this act.

Sec. 2. *“Chairman” means the person designated as Chairman of the Authority by the Governor pursuant to NRS 706.1512.*

1 **Sec. 3.** *“Compliance enforcement officer” means a person employed*
2 *pursuant to NRS 706.176 whose duties include enforcing certain state statutes*
3 *and regulations pertaining to motor carriers.*

4 **Sec. 4.** *“Deputy Commissioner” means the person appointed as Deputy*
5 *Commissioner of the Authority pursuant to NRS 706.176.*

6 **Sec. 5.** (Deleted by amendment.)

7 **Sec. 6.** *The Authority shall adopt regulations setting forth the training*
8 *which a compliance enforcement officer employed by the Authority pursuant to*
9 *NRS 706.176 must complete, including, without limitation, training in*
10 *commercial vehicle safety inspections provided by the Nevada Highway Patrol.*

11 **Sec. 7.** (Deleted by amendment.)

12 **Sec. 8.** NRS 706.011 is hereby amended to read as follows:

13 706.011 As used in NRS 706.011 to 706.791, inclusive, *and sections 2 to 7,*
14 *inclusive, of this act,* unless the context otherwise requires, the words and terms
15 defined in NRS 706.013 to 706.146, inclusive, *and sections 2, 3 and 4 of this act*
16 have the meanings ascribed to them in those sections.

17 **Sec. 9.** NRS 706.018 is hereby amended to read as follows:

18 706.018 “Authority” means the *Nevada* Transportation ~~{Services}~~ Authority
19 created pursuant to NRS 706.1511.

20 **Sec. 10.** NRS 706.151 is hereby amended to read as follows:

21 706.151 1. It is hereby declared to be the purpose and policy of the
22 Legislature in enacting this chapter:

23 (a) Except to the extent otherwise provided in NRS 706.881 to 706.885,
24 inclusive, *and sections 2 to 7, inclusive, of this act,* to confer upon the Authority
25 the power and to make it the duty of the Authority to regulate fully regulated
26 carriers, operators of tow cars and brokers of regulated services to the extent
27 provided in this chapter and to confer upon the Department of Motor Vehicles the
28 power to license all motor carriers and to make it the duty of the Department of
29 Motor Vehicles and the Department of Public Safety to enforce the provisions of
30 this chapter and the regulations adopted by the Authority pursuant to it, to relieve
31 the undue burdens on the highways arising by reason of the use of the highways by
32 vehicles in a gainful occupation thereon.

33 (b) To provide for reasonable compensation for the use of the highways in
34 gainful occupations, and enable the State of Nevada, by using license fees, to
35 provide for the proper construction, maintenance and repair thereof, and thereby
36 protect the safety and welfare of the traveling and shipping public in their use of the
37 highways.

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

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

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

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

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

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

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

1 **Sec. 11.** NRS 706.1511 is hereby amended to read as follows:

2 706.1511 1. The *Nevada* Transportation ~~{Services}~~ Authority is hereby
3 created.

4 2. The Authority consists of three members appointed by the Governor. After
5 the initial term each member shall serve a term of 4 years.

6 3. The Governor shall appoint to the Authority members who have at least 2
7 years of experience in one or more of the following fields:

8 (a) Accounting.

9 (b) Business administration.

10 (c) Economics.

11 (d) Administrative law.

12 (e) Transportation.

13 (f) Professional engineering.

14 ➤ At least one but not more than two of the members appointed must be residents
15 of Clark County.

16 4. Not more than two of the members may be:

17 (a) Members of the same political party.

18 (b) From the same field of experience.

19 5. All of the members must be persons who are independent of the industries
20 regulated by the Authority. No elected officer of this State or any political
21 subdivision is eligible for appointment.

22 6. The members of the Authority shall give their entire time to the business of
23 the Authority and shall not pursue any other business or vocation or hold any other
24 office of profit.

25 7. Each member of the Authority serves at the pleasure of the Governor.

26 **Sec. 12.** NRS 706.1513 is hereby amended to read as follows:

27 706.1513 The Authority may sue and be sued in the name of the *Nevada*
28 Transportation ~~{Services}~~ Authority.

29 **Sec. 13.** NRS 706.1516 is hereby amended to read as follows:

30 706.1516 1. The *Nevada* Transportation ~~{Services}~~ Authority Regulatory
31 Fund is hereby created as a special revenue fund. All money collected by the
32 Authority pursuant to law must be deposited in the State Treasury for credit to the
33 Fund.

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

35 (a) Maintaining staff and equipment needed to regulate adequately persons
36 subject to the jurisdiction of the Authority.

37 (b) Participating in all proceedings relevant to the jurisdiction of the Authority.

38 (c) Audits, inspections, investigations, publication of notices, reports and
39 retaining consultants connected with that maintenance and participation.

40 (d) The salaries, travel expenses and subsistence allowances of the members of
41 the Authority.

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

44 4. The Authority must furnish upon request a statement showing the balance
45 remaining in the Fund as of the close of the preceding fiscal year.

46 **Sec. 14.** NRS 706.1715 is hereby amended to read as follows:

47 706.1715 1. The Attorney General shall:

48 (a) Act as counsel and attorney for the Authority in all actions, proceedings and
49 hearings.

50 (b) Prosecute in the name of the *Nevada* Transportation ~~{Services}~~ Authority
51 all civil actions for the enforcement of this chapter and for the recovery of any
52 penalty or forfeiture provided for therein.

(c) Generally aid the Authority 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. 15. NRS 706.176 is hereby amended to read as follows:

706.176 1. The Authority ~~may~~:

~~1. Appoint a Deputy who serves in the unclassified service of the State.~~

~~2. Employ} shall appoint a Deputy Commissioner who:~~

(a) Must be knowledgeable and experienced in public administration and fiscal management;

(b) Must be knowledgeable in the areas of motor carrier regulation by the Authority; and

(c) Must be independent of and have no pecuniary interest in any entity regulated by the Authority.

2. The Deputy Commissioner shall:

(a) Serve as Chief Financial Officer for the Authority and is responsible for directing the daily operation of the Authority, including, without limitation:

(1) Budget preparation;

(2) Administration;

(3) Human resources;

(4) Purchases and acquisitions made by the Authority; and

(5) Contracts and leases entered into by the Authority;

(b) Develop and implement policies and procedures to ensure the efficient operation of the Authority;

(c) Oversee:

(1) The review of applications for certificates, permits and modifications of tariffs;

(2) The maintenance of a hearing calendar of all matters pending before the Authority; and

(3) Compliance with and enforcement of State statutes and regulations pertaining to motor carriers which are regulated by the Authority; and

(d) Authenticate documents and serve as custodian of all agency records.

3. The Deputy Commissioner is in the unclassified service of the State.

4. The Authority shall employ compliance enforcement officers whose duties shall include, without limitation, enforcement activities to ensure motor carriers are operating in compliance with State statutes and regulations, conducting operational inspections of motor carriers and investigating complaints against motor carriers.

5. The Authority may employ such other personnel as may be necessary.

Sec. 16. NRS 232.510 is hereby amended to read as follows:

232.510 1. The Department of Business and Industry is hereby created.

2. The Department consists of a Director and the following:

(a) Consumer Affairs Division.

(b) Division of Financial Institutions.

(c) Housing Division.

(d) Manufactured Housing Division.

(e) Real Estate Division.

(f) Division of Insurance.

(g) Division of Industrial Relations.

(h) Office of Labor Commissioner.

(i) Taxicab Authority.

(j) Nevada Athletic Commission.

(k) Office of the Nevada Attorney for Injured Workers.

(l) *Nevada* Transportation ~~{Services}~~ Authority.

(m) Division of Mortgage Lending.

(n) Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute.

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 289.320 is hereby amended to read as follows:

289.320 An employee of the *Nevada* Transportation ~~{Services}~~ Authority whom it designates as an inspector ~~for as Manager of Transportation~~ is a peace officer and has police power for the enforcement of the provisions of:

1. Chapters 706 and 712 of NRS and all regulations of the *Nevada* Transportation ~~{Services}~~ Authority or the Department of Motor Vehicles pertaining thereto; and

2. 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.

Sec. 19. On October 1, 2007, the State Controller shall transfer all assets and liabilities from the Transportation Services Authority Regulatory Fund to the Nevada Transportation Authority Regulatory Fund created pursuant to section 11 of this act.

Sec. 19.1. At the general election on November 4, 2008, an advisory question must be placed on the general election ballot in each county in substantially the following form:

Should a tax be imposed by the State on the weight and distance traveled by heavyweight trucks that are operated on the public highways of this State for the purpose of raising additional revenue for the construction and maintenance of public highways?

Sec. 19.2. At the general election on November 4, 2008, an advisory question must be placed on the general election ballot in each county in substantially the following form:

Should the depreciation schedule used to calculate the annual governmental services tax due for a used vehicle in this State be revised for the purpose of raising additional revenue for the construction and maintenance of public highways?

Sec. 19.3. At the general election on November 4, 2008, an advisory question must be placed on the general election ballot in each county in substantially the following form:

Should the State impose a surcharge per trip on each taxicab fare for the purpose of raising additional revenue for the construction and maintenance of public highways?

Sec. 19.4. At the general election on November 4, 2008, an advisory question must be placed on the general election ballot in each county in substantially the following form:

Should the State use toll roads for the purpose of raising additional revenue for the construction and maintenance of public highways?

Sec. 19.5. At the general election on November 4, 2008, an advisory question must be placed on the general election ballot in each county in substantially the following form:

Should the State charge a toll for the use of lanes added to a public highway for the purpose of raising the revenue to pay for the construction and maintenance of the additional lane?

Sec. 20. The Legislative Counsel shall:

1 1. In preparing the reprint and supplements to the Nevada Revised Statutes,
2 appropriately change any references to an officer, agency or other entity whose
3 name is changed or whose responsibilities are transferred pursuant to the provisions
4 of this act to refer to the appropriate officer, agency or other entity.

5 2. In preparing supplements to the Nevada Administrative Code,
6 appropriately change any references to an officer, agency or other entity whose
7 name is changed or whose responsibilities are transferred pursuant to the provisions
8 of this act to refer to the appropriate officer, agency or other entity.

9 **Sec. 21.** This act becomes effective upon passage and approval for the
10 purpose of adopting regulations and conducting any preliminary activities
11 necessary to ensure that the provisions of this act are carried out in an orderly
12 fashion and on October 1, 2007, for all other purposes.