

ASSEMBLY BILL NO. 509—COMMITTEE ON TRANSPORTATION

MARCH 28, 2011

Referred to Committee on Transportation

SUMMARY—Revises provisions governing motor carriers.
(BDR 58-1095)

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

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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 motor carriers; revising provisions governing the exemption of certain nonprofit carriers from the requirement to obtain a certificate of public convenience and necessity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires motor carriers to obtain a certificate of public
2 convenience and necessity and provides exemptions from this requirement for
3 certain motor carriers, including, without limitation, ambulances, hearses and
4 certain nonprofit carriers which provide transportation services to elderly persons
5 or persons with disabilities in certain counties. (NRS 706.386, 706.745) This bill
6 includes within that exemption a nonprofit carrier in a county whose population is
7 400,000 or more (currently Clark County) that provides transportation services in
8 passenger cars driven by volunteers or paid employees of the nonprofit carrier to
9 elderly persons or persons with disabilities who are members of the nonprofit
10 carrier, even if those members are required to reimburse the nonprofit carrier or
11 drivers for all or a portion of the costs of the transportation services.

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

1 **Section 1.** NRS 706.745 is hereby amended to read as follows:
2 706.745 1. The provisions of NRS 706.386 and 706.421 do
3 not apply to:
4 (a) Ambulances;
5 (b) Hearses; or



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

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

(a) Regular routes and fixed schedules;

(b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in NRS 435.176 if the transportation is available upon request and without regard to regular routes or fixed schedules;

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

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

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

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

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

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

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

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

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

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

5. In a county whose population:

(a) Is less than 400,000, a nonprofit carrier of elderly persons or persons with disabilities is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but such a carrier is not exempt



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1 from inspection by the Authority to determine whether its vehicles
2 and their operation are safe.

3 (b) Is 400,000 or more, a nonprofit carrier of elderly persons or
4 persons with disabilities is not required to obtain a certificate of
5 public convenience and necessity to operate as a common motor
6 carrier of such passengers only, but ~~is~~

7 ~~— (1) Only~~ *only* if the nonprofit carrier:

8 ~~{(1)}~~ *(1)* Does not charge for transportation services;

9 ~~{(1)}~~ *(2)* Provides transportation services pursuant to a
10 contract with the Department of Health and Human Services entered
11 into pursuant to NRS 422.2705; ~~for~~

12 ~~{(1)}~~ *(3)* Enters into an agreement for the purchase of its
13 service by an incorporated city, county or regional transportation
14 commission; ~~and~~

15 ~~— (2)~~ *or*

16 *(4) Provides transportation services in passenger cars*
17 *driven by volunteers or employees of the nonprofit carrier*
18 *exclusively to elderly persons and persons with disabilities who are*
19 *members of the nonprofit carrier, even if the members of the*
20 *nonprofit carrier are required to reimburse the nonprofit carrier*
21 *or driver for all or a portion of the costs of the transportation*
22 *services.*

23 ➤ Such a carrier is not exempt from inspection by the Authority to
24 determine whether its vehicles and their operation are safe.

25 6. An incorporated city, county or regional transportation
26 commission is not required to obtain a certificate of public
27 convenience and necessity to operate a system of public
28 transportation.

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

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

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

40 **8. As used in this section:**

41 *(a) "Nonprofit carrier" means a common motor carrier of*
42 *passengers that is recognized as exempt pursuant to 26 U.S.C. §*
43 *501(c)(3).*



- 1 *(b) “Passenger car” means a motor vehicle, except a*
- 2 *motorcycle or motor-driven cycle, designed for carrying 10*
- 3 *passengers or less and used for the transportation of persons.*

