

Amendment No. 699

Assembly Amendment to Senate Bill No. 302

(BDR 58-846)

Proposed by: Assembly Committee on Transportation

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

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 underlining* is newly added transitory language.

MSM/WLK



Date: 5/19/2013

S.B. No. 302—Requires taxicab motor carriers in certain counties to maintain and provide to the Nevada Transportation Authority and other taxicab motor carriers certain information. (BDR 58-846)



SENATE BILL NO. 302—SENATOR BROWER (BY REQUEST)

MARCH 18, 2013

JOINT SPONSOR: ASSEMBLYMAN HICKEY

Referred to Committee on Transportation

SUMMARY—Requires taxicab motor carriers in certain counties to maintain and provide to the Nevada Transportation Authority and other taxicab motor carriers certain information. (BDR 58-846)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 taxicabs; requiring taxicab motor carriers in certain counties to maintain and provide to the Nevada Transportation Authority and other taxicab motor carriers information concerning the results of certain tests for the presence of alcohol or a controlled substance under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Transportation Authority regulates taxicabs in a county whose population is less than 700,000 (currently counties other than Clark County) and in any county that has enacted an ordinance to place itself under the jurisdiction of the Taxicab Authority. (NRS 706.166, 706.881) This bill provides that subject to certain conditions, if a taxicab motor carrier regulated by the Authority requires an employee ~~or prospective employee~~ or lessee for prospective lessee to submit to a test for the presence of alcohol or a controlled substance in his or her blood, breath or urine and the person tests positive for the presence of alcohol or a controlled substance in his or her blood, breath or urine, the taxicab motor carrier is required to: (1) maintain a record of the results of the test; (2) provide a record of the results of the test to the Authority; and (3) ~~subject to certain conditions~~ release a record of the results of the test to another taxicab motor carrier upon request. The results of such a test must be recorded only as positive or negative, and must not be maintained by a taxicab motor carrier or the Authority for a period of more than 1 year.

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 a new section to read as follows:

~~1. *Except as otherwise provided in this section, if a taxicab motor carrier requires an employee, prospective employee, or lessee for prospective lessee* to submit to a test for the presence of alcohol or a controlled substance in his or her blood, breath or urine and the employee, prospective employee, or lessee for prospective lessee tests positive for the presence of alcohol or a controlled substance in his or her blood, breath or urine, the taxicab motor carrier shall:~~

- ~~(a) Maintain a record of the results of the test;~~
- ~~(b) Provide to the Authority a record of the results of the test; and~~
- ~~(c) *Except as otherwise provided in this section, release* Release a record of the results of the test to another taxicab motor carrier upon request.~~

2. For the purposes of this section, a record of the results of a test administered as described in subsection 1:

- (a) Must indicate only that the results of the test were positive or negative; and
- (b) Must not be maintained by a taxicab motor carrier or the Authority for a period of more than 1 year.

3. The Authority may adopt regulations to carry out its duties pursuant to this section.

Sec. 2. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, *and section 1 of this act* relating to brokers do not apply to any person whom the Authority 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. 4. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, *and section 1 of this act* do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.

2. Any state or a political subdivision thereof.

Sec. 5. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate,

1 permit or license issued in accordance with the provisions of NRS 706.011 to
2 706.791, inclusive, **and section 1 of this act** for a period not to exceed 60 days.

3 3. Upon receipt of a written complaint or on its own motion, the Authority
4 may, after investigation and hearing, revoke any certificate, permit or license. If
5 service of the notice required by subsection 2 cannot be made or if the grantee
6 relinquishes the grantee's interest in the certificate, permit or license by so
7 notifying the Authority in writing, the Authority may revoke the certificate, permit
8 or license without a hearing.

9 4. The proceedings thereafter are governed by the provisions of chapter 233B
10 of NRS.

11 **Sec. 6.** NRS 706.736 is hereby amended to read as follows:

12 706.736 1. Except as otherwise provided in subsection 2, the provisions of
13 NRS 706.011 to 706.791, inclusive, **and section 1 of this act** do not apply to:

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

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

21 (c) Special mobile equipment.

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

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

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

30 (g) The transportation by a private school of persons or property in connection
31 with the operation of the school or related school activities, so long as the vehicle
32 that is used to transport the persons or property does not have a gross vehicle
33 weight rating of 26,001 pounds or more and is not registered pursuant to NRS
34 706.801 to 706.861, inclusive.

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

37 (a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS
38 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

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

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

42 3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473,
43 706.475 and 706.6411 which authorize the Authority to issue:

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

47 (b) Certificates of public convenience and necessity to operators of tow cars
48 and to regulate rates for towing services performed without the prior consent of the
49 owner of the vehicle or the person authorized by the owner to operate the vehicle
50 apply to operators of tow cars.

51 4. Any person who operates pursuant to a claim of an exemption provided by
52 this section but who is found to be operating in a manner not covered by any of
53 those exemptions immediately becomes liable, in addition to any other penalties

provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 7. 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 section 1 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 section 1 of this act* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~†~~, *and section 1 of this act*;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~†~~, *and section 1 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 the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held 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 section 1 of this act*;

(g) Advertises as providing:

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

(2) Towing services;

↪ without including the number of the person's 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:

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

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

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

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

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

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