

SENATE BILL NO. 379—SENATORS GUSTAVSON, HARDY;
PARKS, SEGERBLOM AND SETTELMAYER

MARCH 18, 2013

JOINT SPONSORS: ASSEMBLYMEN HAMBRICK, FIORE; ELLISON,
HOGAN, LIVERMORE, MUNFORD AND WHEELER

Referred to Committee on Transportation

SUMMARY—Revises provisions concerning the Nevada
Transportation Authority. (BDR 58-56)

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; transferring certain powers and duties from the Nevada Transportation Authority to the Department of Public Safety; eliminating certain powers and duties of the Authority and its employees; eliminating the Authority's power to impose an administrative fine; requiring certain proceedings to be conducted by a hearing officer or panel designated by the Chair of the Authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of certain motor carriers in this State by the Nevada Transportation Authority. (NRS 706.011-706.791) Under existing law, the Authority is required to employ compliance enforcement officers and to enforce standards of safety applicable to the employees, equipment, facilities and operations of the motor carriers that are subject to regulation by the Authority. (NRS 706.166, 706.176) **Sections 6 and 9** of this bill eliminate those duties of the Authority, and **section 1** of this bill requires the Department of Public Safety to perform those duties.

Under existing law, sheriffs and certain other law enforcement personnel are required to make arrests at the request of authorized employees of the Authority and the departments of Motor Vehicles and Public Safety. (NRS 706.231) **Section 11** of this bill eliminates the power of employees of the Authority to make such requests. Similarly, **section 13** of this bill eliminates the power that employees of



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the Authority have under existing law to declare certain motor vehicles "out of service."

Section 20 of this bill transfers from the Authority to the Department of Public Safety the duty to investigate certain complaints against regulated motor carriers. (NRS 706.461) **Sections 21 and 22** of this bill transfer from the Authority to the Department certain duties concerning the impoundment and release of certain vehicles that are operated without a certificate of public convenience and necessity. (NRS 706.476, 706.478)

Under existing law, certain employees of the Authority have the status of peace officers and are authorized to exercise certain police powers in the enforcement of laws and regulations applicable to the motor carriers that are subject to regulation by the Authority. (NRS 289.320, 289.470, 706.235, 706.779) **Sections 12, 29, 30 and 34** of this bill divest such employees of the status of peace officers and terminate their authority to exercise those police powers.

Under existing law, the Authority has the option to punish certain violations by imposing an administrative fine following an administrative hearing or by bringing a civil action in a court of competent jurisdiction to recover a civil penalty. (NRS 706.771) **Section 27** of this bill eliminates the Authority's power to impose administrative fines. Existing law authorizes an administrative proceeding that could result in the imposition of an administrative fine to be conducted by a hearing officer designated by the Chair of the Authority. (NRS 706.1514) **Section 4** of this bill eliminates the provision concerning the imposition of an administrative fine and provides that a preliminary hearing must be conducted by a hearing officer or panel designated by the Chair to determine whether there is probable cause to believe that a violation has occurred to enable the Authority to determine whether to bring an action in a court of competent jurisdiction for the recovery of a civil penalty.

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:

The Department of Public Safety shall, with respect to motor carriers who are subject to regulation by the Authority pursuant to this section and NRS 706.011 to 706.791, inclusive:

1. Employ compliance enforcement officers whose duties shall include, without limitation:

(a) Enforcement activities to ensure that such motor carriers are operating in compliance with state statutes and regulations;

(b) Conducting operational inspections of such motor carriers; and

(c) Investigating complaints against such motor carriers.

2. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of such carriers by:

(a) Providing training in safety;

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



(c) Conducting inspections relating to safety at the operating terminals of the carrier.

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 706.048 is hereby amended to read as follows:

706.048 "Compliance enforcement officer" means a person employed *by the Department of Public Safety* pursuant to ~~NRS 706.176~~ *section 1 of this act* whose duties include enforcing certain state statutes and regulations pertaining to motor carriers.

Sec. 4. 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 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 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~~ *in the nature of a preliminary hearing to determine whether there is probable cause to believe that a person has violated a provision of NRS 706.011 to 706.791, inclusive, and section 1 of this act to enable the Authority to determine whether to bring an action in a court of competent jurisdiction for the recovery of a civil penalty must* be conducted by a hearing officer *or panel* designated by the Chair of the Authority.

Sec. 5. 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. 6. NRS 706.166 is hereby amended to read as follows:

706.166 The Authority shall:

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

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



(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive ~~4.1~~, *and section 1 of this act.*

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

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

~~—(a) Providing training in safety;~~

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

~~—(c) Conducting inspections relating to safety at the operating terminals of the carrier.~~

~~4.1~~ To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

(a) Fares of fully regulated carriers;

(b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;

(c) Classifications;

(d) Divisions;

(e) Allowances; and

(f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

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

~~4.1~~ 4. Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.

Sec. 7. NRS 706.167 is hereby amended to read as follows:

706.167 1. Each fully regulated carrier, operator of a tow car and common or contract carrier regulated by the Authority shall:

(a) Keep uniform and detailed accounts of all business transacted in the manner required by the Authority by regulation and render them to the Authority upon its request.



(b) Furnish an annual report to the Authority in the form and detail that it prescribes by regulation.

➔ The regulations of the Authority may not require an operator of a tow car to keep accounts and report information concerning towing services other than information that is necessary to permit the Authority to ~~enforce the provisions of~~ *carry out its duties pursuant to* NRS 706.011 to 706.791, inclusive ~~H~~, *and section 1 of this act.*

2. Except as otherwise provided in subsection 3, the reports required by this section must be prepared for each calendar year and submitted not later than May 15 of the year following the year for which the report is submitted.

3. A carrier may, with the permission of the Authority, prepare the reports required by this section for a year other than a calendar year that the Authority specifies and submit them not later than a date specified by the Authority in each year.

4. If the Authority finds that necessary information is not contained in a report submitted pursuant to this section, it may call for the omitted information at any time.

Sec. 8. NRS 706.1715 is hereby amended to read as follows:

706.1715 1. The Attorney General shall:

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

(b) Prosecute in the name of the Nevada Transportation Authority all civil actions for the enforcement of this chapter and for the recovery of any penalty or forfeiture provided for therein.

(c) Generally aid the Authority 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. 9. NRS 706.176 is hereby amended to read as follows:

706.176 1. The Authority 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;



- 1 (2) Administration;
- 2 (3) Human resources;
- 3 (4) Purchases and acquisitions made by the Authority; and
- 4 (5) Contracts and leases entered into by the Authority;
- 5 (b) Develop and implement policies and procedures to ensure
- 6 the efficient operation of the Authority;
- 7 (c) Oversee:
- 8 (1) The review of applications for certificates, permits and
- 9 modifications of tariffs;
- 10 (2) The maintenance of a hearing calendar of all matters
- 11 pending before the Authority; and
- 12 (3) Compliance with and enforcement of state statutes and
- 13 regulations pertaining to motor carriers which are regulated by the
- 14 Authority; and
- 15 (d) Authenticate documents and serve as custodian of all agency
- 16 records.

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

18 the State.

19 4. The Authority ~~{shall employ compliance enforcement~~

20 ~~officers whose duties shall include, without limitation, enforcement~~

21 ~~activities to ensure motor carriers are operating in compliance with~~

22 ~~state statutes and regulations, conducting operational inspections of~~

23 ~~motor carriers and investigating complaints against motor carriers.~~

24 ~~—5. The Authority~~ may employ such other personnel as may be

25 necessary.

26 **Sec. 10.** NRS 706.178 is hereby amended to read as follows:

27 706.178 The Authority shall adopt regulations setting forth the

28 training which a compliance enforcement officer employed by the

29 ~~{Authority}~~ *Department of Public Safety* pursuant to ~~{NRS~~

30 ~~706.176}~~ *section 1 of this act* must complete, including, without

31 limitation, training in commercial vehicle safety inspections

32 provided by the Nevada Highway Patrol.

33 **Sec. 11.** NRS 706.231 is hereby amended to read as follows:

34 706.231 Sheriffs and all other peace officers and traffic officers

35 of this State are charged with the duty, without further

36 compensation, of assisting in the enforcement of this chapter. They

37 shall make arrests for this purpose when requested by an authorized

38 agent of the Department of Motor Vehicles, the Department of

39 Public Safety ~~{the Authority}~~ or other competent authority.

40 **Sec. 12.** NRS 706.235 is hereby amended to read as follows:

41 706.235 1. Whenever a peace officer detains the driver of a

42 heavy-duty motor vehicle for a violation of any provision of this

43 chapter or any other specific statute or regulation relating to the

44 equipment, lights, brakes, tires, mechanisms or safety appliances

45 required of such a vehicle, the peace officer shall, in lieu of arresting



1 the driver, prepare manually or electronically and issue a citation, a
2 notice of correction, or both. If a notice of correction is issued, it
3 must set forth the violation with particularity and specify the
4 corrective action which must be taken.

5 2. If, at the time of the issuance of a citation or a notice of
6 correction, the peace officer determines that the vehicle is unsafe
7 and poses an immediate threat to the life of the driver or any other
8 person upon a public highway, the peace officer may require that the
9 vehicle be taken to the nearest garage or other place where the
10 vehicle may be safely repaired. If the vehicle is transporting wet
11 concrete or other perishable cargo and does not pose an immediate
12 threat to life, and if the destination of the vehicle is within a distance
13 of not more than 15 miles, the peace officer shall not delay the
14 vehicle for more than 15 minutes and shall permit the vehicle to
15 proceed to its destination and unload its cargo. Upon the arrival of
16 the vehicle at its destination, the peace officer may order that the
17 vehicle be taken, after the cargo of the vehicle has been unloaded, to
18 the nearest garage or other place where the vehicle may be safely
19 repaired.

20 3. As used in this section:

21 (a) "Heavy-duty motor vehicle" means a motor vehicle which:

22 (1) Has a manufacturer's gross vehicle weight rating of
23 10,000 pounds or more; and

24 (2) Is owned or leased by or otherwise used in the regular
25 course of the business of a common, contract or private motor
26 carrier.

27 (b) "Peace officer" means:

28 (1) A peace officer or an inspector of the Department of
29 Motor Vehicles or Department of Public Safety; or

30 (2) A sheriff, peace officer or traffic officer assisting in the
31 enforcement of the provisions of this chapter.

32 *↪ The term does not include an inspector of the Authority.*

33 **Sec. 13.** NRS 706.246 is hereby amended to read as follows:

34 706.246 Except as otherwise provided in NRS 706.235:

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



1 conducted only if it is less hazardous to the public than permitting
2 the vehicle to remain on the highway.

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

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

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

12 ➤ When the repairs have been made, the carrier shall so certify to
13 the ~~Authority or the~~ department that declared the vehicle "out of
14 service," as required by ~~the Authority or~~ that department.

15 **Sec. 14.** NRS 706.2855 is hereby amended to read as follows:

16 706.2855 1. If *a hearing officer or panel appointed by the*
17 *Chair of the Authority* finds, after notice and *a preliminary* hearing
18 *is conducted pursuant to NRS 706.1514*, that *there is probable*
19 *cause to believe that* a person has violated NRS 706.285, the
20 Authority may, in addition to any penalty, punishment or
21 disciplinary action authorized by this chapter, petition a court of
22 competent jurisdiction for an injunction prohibiting the person from
23 continuing to:

24 (a) Engage in advertising that violates the provisions of NRS
25 706.285; or

26 (b) Use any telephone number mentioned in such advertising for
27 any purpose.

28 2. If the court finds that the respondent has engaged in
29 advertising that is unlawful pursuant to NRS 706.285, the court
30 shall:

31 (a) Enjoin the respondent from continuing the advertising.

32 (b) Enjoin the respondent from using the telephone number
33 mentioned in the advertising for any purpose.

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

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

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

40 (a) A public utility furnishing telephone service.

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

43 **Sec. 15.** NRS 706.286 is hereby amended to read as follows:

44 706.286 1. When a complaint is made against any fully
45 regulated carrier or operator of a tow car by any person, that:



(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;

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

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

(d) Any service is inadequate,

→ the Authority shall investigate the complaint. After receiving the complaint, the Authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the Authority with its written response to the complaint according to the regulations of the Authority.

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

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

Sec. 16. NRS 706.2873 is hereby amended to read as follows:

706.2873 1. A complete record must be kept of all hearings before the Authority ~~or~~ *or a hearing officer or panel appointed by the Chair of the Authority*, and all testimony must be taken down by the stenographer appointed by the Authority, or, under the direction of any competent person appointed by the Authority, reported by sound recording equipment in the manner authorized for reporting testimony in district courts. The testimony reported by a stenographer must be transcribed and filed with the record in the matter. The Authority may by regulation provide for the transcription or safekeeping of sound recordings. The costs of recording and transcribing testimony at any hearing, except those hearings ordered pursuant to NRS 706.286 must be paid by the applicant. If a complaint is made pursuant to NRS 706.286 by a customer or by a political subdivision of this State or a municipal organization, the complainant is not liable for any costs. Otherwise, if there are several applicants or parties to any hearing, the Authority may apportion the costs among them in its discretion.



2. Whenever any petition is served upon the Authority, before the action is reached for trial, the Authority shall file a certified copy of all proceedings and testimony taken with the clerk of the court in which the action is pending.

3. A copy of the proceedings and testimony must be furnished to any party, on payment of a reasonable amount, to be fixed by the Authority, and the amount must be the same for all parties.

4. The provisions of this section do not prohibit the Authority from restricting access to the records and transcripts of a hearing pursuant to subsection 2 of NRS 706.1725.

Sec. 17. NRS 706.443 is hereby amended to read as follows:

706.443 1. The provisions of NRS 706.442 apply whether or not the person providing the service has received authority to operate from the Authority.

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

3. The Authority may use the remedies provided in NRS 706.457, 706.461, ~~706.756,~~ 706.761 ~~and~~ *and* 706.771 and ~~706.779 and~~ any other remedy available under other law.

4. The Authority shall adopt regulations regarding the administration ~~and enforcement~~ of this section and NRS 706.442.

Sec. 18. NRS 706.449 is hereby amended to read as follows:

706.449 The Authority may ~~impose an administrative fine~~ *recover a civil penalty* pursuant to ~~subsection 2 of~~ NRS 706.771 on the owner or operator of a tow car who fails to pay in a timely manner any charge required to be paid by subsection 2 of NRS 484D.470.

Sec. 19. NRS 706.458 is hereby amended to read as follows:

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

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



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

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

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

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

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

Sec. 20. NRS 706.461 is hereby amended to read as follows:
706.461 When:

1. A complaint has been filed with the Authority alleging that any vehicle is being operated without a certificate of public convenience and necessity or contract carrier's permit as required by NRS 706.011 to 706.791, inclusive ~~H~~, *and section 1 of this act*; or

2. The Authority has reason to believe that any:

(a) Person is advertising to provide:

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

(2) Towing services,

→ without including the number of the person's certificate of public convenience and necessity or permit in each advertisement; or

(b) Provision of NRS 706.011 to 706.791, inclusive, *and section 1 of this act* is being violated,

→ the Authority shall *request the Department of Public Safety* to investigate the operations or advertising. ~~and~~ *The Authority* may, after *receiving the results of the investigation and after a preliminary* hearing ~~H~~ *conducted pursuant to NRS 706.1514, petition a court of competent jurisdiction to* order the owner or operator of the vehicle or the person advertising to cease and desist from any operation or advertising in violation of NRS 706.011 to



1 706.791, inclusive ~~[-The]~~, and section 1 of this act. If the court
2 issues such an order, the Authority shall enforce compliance with
3 the order pursuant to the powers vested in the Authority by NRS
4 706.011 to 706.791, inclusive, and section 1 of this act or by other
5 law.

6 **Sec. 21.** NRS 706.476 is hereby amended to read as follows:

7 706.476 Except as otherwise provided in NRS 706.478:

8 1. A vehicle used as a taxicab, limousine or other passenger
9 vehicle in passenger service or to provide towing services or the
10 transportation of household goods must be impounded by the
11 ~~[-Authority]~~ **Department of Public Safety** if a certificate of public
12 convenience and necessity is required to be issued to authorize its
13 operation but has not been issued to authorize its operation. **The**
14 **Department of Public Safety shall notify the Authority as soon as**
15 **practicable after the impoundment.** A **preliminary** hearing
16 **conducted pursuant to NRS 706.1514** must be held by the
17 Authority no later than the conclusion of the second normal business
18 day after **receiving notice of the** impoundment, weekends and
19 holidays excluded. As soon as practicable after **receiving notice of**
20 **the** impoundment, the Authority shall notify the registered owner of
21 the vehicle:

22 (a) That the registered owner of the vehicle may post a bond in
23 the amount of \$20,000 to ensure the registered owner's presence at
24 all proceedings held pursuant to this section;

25 (b) Of the time set for the **preliminary** hearing; and

26 (c) Of the registered owner's right to be represented by counsel
27 during all phases of the proceedings.

28 2. The Authority shall ~~[-hold]~~ **not order the Department of**
29 **Public Safety to return** the vehicle ~~[-until]~~ **to** the registered owner of
30 the vehicle **until the owner** appears and:

31 (a) Posts a bond in the amount of \$20,000 with the Authority; or

32 (b) Proves that:

33 (1) The person is the registered owner of the vehicle;

34 (2) The person holds a valid certificate of public convenience
35 and necessity, if required; and

36 (3) The vehicle meets all required standards of the Authority.

37 ➔ The Authority shall **order the Department of Public Safety to**
38 **return the vehicle to its registered owner** when the owner meets the
39 requirements of paragraph (a) or (b) and pays all costs of
40 impoundment.

41 3. If the registered owner is unable to meet the requirements of
42 subparagraph (2) or (3) of paragraph (b) of subsection 2, the
43 **registered owner is liable to the** Authority ~~[-may assess an~~
44 ~~administrative fine against the registered owner]~~ **for a civil penalty**
45 for each such violation in the amount of \$5,000. The maximum



1 amount of the ~~administrative fine that may be assessed against~~
2 *civil penalty for which* a registered owner *is liable* for a single
3 impoundment of the registered owner's vehicle pursuant to this
4 section is \$10,000. The Authority *may recover the amount of the*
5 *civil penalty in a civil action brought in a court of competent*
6 *jurisdiction pursuant to NRS 706.771. The Authority shall order*
7 *the return of* the vehicle after any ~~administrative fine~~ *civil penalty*
8 imposed *by the court* pursuant to this subsection and all costs of
9 impoundment have been paid.

10 **Sec. 22.** NRS 706.478 is hereby amended to read as follows:

11 706.478 1. Notwithstanding any provision of NRS 706.011 to
12 706.791, inclusive, *and section 1 of this act* to the contrary, if the
13 registered owner of a vehicle which is impounded pursuant to NRS
14 706.476 is a short-term lessor licensed pursuant to NRS 482.363
15 who is engaged in the business of renting or leasing vehicles in
16 accordance with NRS 482.295 to 482.3159, inclusive, the registered
17 owner is not liable for any ~~administrative fine~~ *civil penalty* or
18 other penalty that may be ~~imposed~~ *recovered* by the Authority *in a*
19 *civil action brought pursuant to NRS 706.771* for the operation of a
20 passenger vehicle in violation of NRS 706.011 to 706.791,
21 inclusive, *and section 1 of this act* if at the time that the vehicle was
22 impounded, the vehicle was in the care, custody or control of a
23 lessee.

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

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

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

41 **Sec. 23.** NRS 706.736 is hereby amended to read as follows:

42 706.736 1. Except as otherwise provided in subsection 2, the
43 provisions of NRS 706.011 to 706.791, inclusive, *and section 1 of*
44 *this act* do not apply to:



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

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

11 (c) Special mobile equipment.

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

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

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

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

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

30 (a) The provisions of paragraph (d) of subsection 1 of NRS
31 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457
32 and 706.458.

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

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

38 3. The provisions of NRS 706.311 to 706.453, inclusive,
39 706.471, 706.473, 706.475 and 706.6411 which authorize the
40 Authority to issue:

41 (a) Except as otherwise provided in paragraph (b), certificates of
42 public convenience and necessity and contract carriers' permits and
43 to regulate rates, routes and services apply only to fully regulated
44 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 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. 24. NRS 706.745 is hereby amended to read as follows:

706.745 1. The provisions of NRS 706.386 and 706.421 do not apply to:

(a) Ambulances;

(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:



* S B 3 7 9 *

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

(b) If the public entity is unable to do so, the Authority *or the Department of Public Safety* 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 700,000, 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 from inspection by the Authority *or the Department of Public Safety* to determine whether its vehicles and their operation are safe.

(b) Is 700,000 or more, 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:

(1) Only if the nonprofit carrier:

(I) Does not charge for transportation services;

(II) Provides transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.2705; or

(III) Enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission; and

(2) Such a carrier is not exempt from inspection by the Authority *or the Department of Public Safety* to determine whether its vehicles and their operation are safe.

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

7. Before an incorporated city or a county enters into an agreement with a common motor carrier for a system of public



1 transit that provides for the transportation of passengers that is
2 described in paragraph (c) or (d) of subsection 2 in an area of the
3 incorporated city or an area of the county, it must determine that:

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

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

10 **Sec. 25.** NRS 706.756 is hereby amended to read as follows:

11 706.756 1. Except as otherwise provided in subsection 2, any
12 person who:

13 (a) Operates a vehicle or causes it to be operated in any carriage
14 to which the provisions of NRS 706.011 to 706.861, inclusive, *and*
15 *section 1 of this act* apply without first obtaining a certificate,
16 permit or license, or in violation of the terms thereof;

17 (b) Fails to make any return or report required by the provisions
18 of NRS 706.011 to 706.861, inclusive, *and section 1 of this act* or
19 by the Authority or the Department pursuant to the provisions of
20 NRS 706.011 to 706.861, inclusive ~~§~~, *and section 1 of this act*;

21 (c) Violates, or procures, aids or abets the violating of, any
22 provision of NRS 706.011 to 706.861, inclusive ~~§~~, *and section 1*
23 *of this act*;

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

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

28 (f) Advertises, solicits, proffers bids or otherwise is held out to
29 perform transportation as a common or contract carrier in violation
30 of any of the provisions of NRS 706.011 to 706.861, inclusive ~~§~~,
31 *and section 1 of this act*;

32 (g) Advertises as providing:

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

34 (2) Towing services,

35 ➔ without including the number of the person's certificate of public
36 convenience and necessity or contract carrier's permit in each
37 advertisement;

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

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

43 (j) Operates or causes to be operated a vehicle which does not
44 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. 26. NRS 706.758 is hereby amended to read as follows:

706.758 1. It is unlawful for any person to advertise services for which a certificate of public convenience and necessity or a



1 contract carrier's permit is required pursuant to NRS 706.011 to
2 706.791, inclusive, *and section 1 of this act*, unless the person has
3 been issued such a certificate or permit.

4 2. If, after notice and a *preliminary* hearing ~~is~~ *conducted*
5 *pursuant to NRS 706.1514*, the Authority determines that *there is*
6 *probable cause to believe that* a person has engaged in advertising
7 in a manner that violates the provisions of this section, the Authority
8 may, in addition to any penalty, punishment or disciplinary action
9 authorized by the provisions of NRS 706.011 to 706.791, inclusive,
10 *and section 1 of this act, petition a court of competent jurisdiction*
11 *to* issue an order to the person to cease and desist the unlawful
12 advertising and to:

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

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

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

32 4. If the provider of paging services receives a request from a
33 person pursuant to subsection 2 or a request from the Authority
34 pursuant to subsection 3, it shall:

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

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

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

43 5. As used in this section:

44 (a) "Advertising" includes, but is not limited to, the issuance of
45 any sign, card or device, or the permitting or allowing of any sign or



1 marking on a motor vehicle, in any building, structure, newspaper,
2 magazine or airway transmission, on the Internet or in any directory
3 under the listing of "fully regulated carrier" with or without any
4 limiting qualifications.

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

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

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

12 **Sec. 27.** NRS 706.771 is hereby amended to read as follows:

13 706.771 1. Any person or any agent or employee thereof,
14 who violates any provision of this chapter, any lawful regulation of
15 the Authority or any lawful tariff on file with the Authority or who
16 fails, neglects or refuses to obey any lawful order of the Authority or
17 any court order for whose violation a civil penalty is not otherwise
18 prescribed is liable to a penalty of not more than \$10,000 for any
19 violation. The penalty may be recovered in a civil action upon the
20 complaint of the Authority in any court of competent jurisdiction.

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

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

33 ~~4. A penalty {or fine} recovered pursuant to this section is not~~
34 ~~a cost of service for purposes of rate making.~~

35 **Sec. 28.** NRS 706.772 is hereby amended to read as follows:

36 706.772 1. If the Authority ~~imposes an administrative fine~~
37 *recovers a civil penalty* pursuant to NRS 706.476 or 706.771 in an
38 amount greater than \$100, the person who is responsible for
39 payment of the ~~administrative fine~~ *civil penalty* shall:

40 (a) Pay to the Authority the full amount of the ~~administrative~~
41 ~~fine~~ *civil penalty* and any other costs related to the ~~administrative~~
42 ~~fine~~ *civil penalty* owed by that person; or

43 (b) If the person is unable to pay the full amount owed, enter
44 into a plan of repayment with the Authority for the payment over
45 time of the ~~administrative fine.~~ *civil penalty.*



2. The Authority shall, within 20 days after ~~imposing an administrative fine~~ *recovering a civil penalty* pursuant to NRS 706.476 or 706.771, provide notice by first-class mail to the person against whom the ~~administrative fine is imposed.~~ *civil penalty is recovered.* The notice must include a statement:

(a) Of the amount of the ~~administrative fine~~ *civil penalty* and any other costs which must be paid to the Authority;

(b) That the person must, within 14 days after receiving the notice:

(1) Pay to the Authority the full amount of the ~~administrative fine~~ *civil penalty* and any other costs; or

(2) If a plan of repayment has been approved by the Authority, comply with the terms of the plan of repayment; and

(c) That the Authority is required to notify the Department of Motor Vehicles of the failure to pay the amount owed and that the Department may suspend the driver's license of the person for failure to pay the ~~administrative fine~~ *civil penalty* and any other costs.

3. The Authority shall provide to the Department of Motor Vehicles the name of a person to whom a notice is sent pursuant to subsection 2 and the date on which the notice was sent.

4. The Authority shall, within 5 days after receiving payment from a person or approving a plan of repayment, notify the Department of Motor Vehicles that the person has satisfied the requirements for payment of the ~~administrative fine~~ *civil penalty* and any other costs owed by the person.

5. The provisions of this section do not relieve the Authority of any obligation to notify the State Controller of any debt that is past due pursuant to chapter 353C of NRS.

Sec. 29. NRS 706.779 is hereby amended to read as follows:

706.779 The ~~Authority~~ *Department of Public Safety* and its ~~inspectors~~ *compliance enforcement officers and other personnel having the powers of peace officers* may, upon halting a person for a violation of the provisions of NRS 706.386 or 706.421, move the person's vehicle or cause it to be moved to the nearest garage or other place of safekeeping until it is removed in a manner which complies with the provisions of this chapter.

Sec. 30. NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;

2. Constables and their deputies whose official duties require them to carry weapons and make arrests;



~~3. Inspectors employed by the Nevada Transportation Authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;~~

~~4.]~~ Special investigators who are employed full-time by the office of any district attorney or the Attorney General;

~~5.]~~ 4. Investigators of arson for fire departments who are specially designated by the appointing authority;

~~6.]~~ 5. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;

~~7.]~~ 6. The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;

~~8.]~~ 7. Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;

~~9.]~~ 8. School police officers employed by the board of trustees of any county school district;

~~10.]~~ 9. Agents of the State Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

~~11.]~~ 10. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

~~12.]~~ 11. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

~~13.]~~ 12. Legislative police officers of the State of Nevada;

~~14.]~~ 13. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

~~15.]~~ 14. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

~~16.]~~ 15. Field investigators of the Taxicab Authority;

~~17.]~~ 16. Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;



~~118.1~~ 17. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

~~119.1~~ 18. Criminal investigators who are employed by the Secretary of State; and

~~120.1~~ 19. The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.

Sec. 31. NRS 289.480 is hereby amended to read as follows:

289.480 "Category III peace officer" means a peace officer whose authority is limited to correctional services, including the superintendents and correctional officers of the Department of Corrections. The term does not include a person described in subsection ~~120.1~~ 19 of NRS 289.470.

Sec. 32. NRS 483.441 is hereby amended to read as follows:

483.441 1. Upon receipt of notice from the Nevada Transportation Authority pursuant to NRS 706.772 regarding a driver's delinquency with respect to the payment of ~~an administrative fine,~~ a civil penalty and any other costs owed to the Authority pursuant to NRS 706.476 or 706.771, the Department shall notify the driver by mail that his or her driver's license is subject to suspension and allow the driver 30 days after the date of mailing the notice to:

(a) Pay to the Authority the delinquent ~~administrative fine,~~ civil penalty and any other costs or comply with a plan of repayment approved pursuant to NRS 706.772; or

(b) Make a written request to the Department for a hearing.

2. If notified by the Nevada Transportation Authority, within 30 days after the notice of a delinquency in the payment of ~~an administrative fine,~~ a civil penalty, that a driver has entered into a plan for repayment approved pursuant to NRS 706.772, the Department shall stop the suspension of the driver's license from going into effect. If the driver subsequently defaults on the plan of repayment with the Authority, the Authority shall notify the Department, which shall immediately suspend the driver's license until the Authority notifies the Department that the license is eligible for reinstatement.

3. The Department shall suspend the driver's license of a driver 31 days after it mails the notice provided for in subsection 1 to the driver, unless within that time it has received a written request for a hearing from the driver or notice from the Nevada Transportation Authority that the driver has paid the ~~administrative fine,~~ civil penalty and any other costs or complied with a plan of repayment approved pursuant to NRS 706.772. A license so suspended remains suspended until:



1 (a) The Authority notifies the Department that the license is
2 eligible for reinstatement; and

3 (b) The Department receives payment of the fee for
4 reinstatement required by NRS 483.410.

5 **Sec. 33.** NRS 484A.205 is hereby amended to read as follows:

6 484A.205 "Regulatory agency" means any of the agencies
7 granted police or enforcement powers under the provisions of
8 subsection 1 of NRS 289.250, NRS 289.260, subsection 2 of NRS
9 289.270, NRS 289.280, subsection 3 of NRS 289.290 or NRS
10 ~~289.320,~~ 289.340, 407.065, 472.040, 481.048, 501.349, 565.155 or
11 706.8821.

12 **Sec. 34.** NRS 289.320 and 706.1517 are hereby repealed.

13 **Sec. 35.** The following positions are hereby transferred from
14 the Nevada Transportation Authority to the Department of Public
15 Safety:

16 1. Five compliance enforcement investigator positions; and

17 2. Two supervisory investigator positions.

18 **Sec. 36.** A person who, on June 30, 2013, was employed by
19 the Nevada Transportation Authority as a compliance enforcement
20 investigator or supervisory investigator in a position that is
21 transferred to the Department of Public Safety pursuant to section
22 35 of this act is hereby transferred to and is an employee of the
23 Department of Public Safety without any loss in rank, grade, pay,
24 seniority, probationary or postprobationary status, pension, fringe
25 benefits or any other job benefit. The amount of any annual leave,
26 sick leave, furlough leave or other compensatory time accrued by
27 such an employee while in the service of the Authority must be
28 credited to him or her as an employee of the Department. For the
29 purposes of NRS 284.177, a transfer pursuant to section 35 of this
30 act is not an interruption in the continuous state service of the
31 employee.

32 **Sec. 37.** If the Director of the Department of Public Safety
33 determines that insufficient money has been appropriated or
34 authorized by the Legislature to enable the Department to carry out
35 the duties transferred to the Department pursuant to this act, the
36 Director may, on or before December 31, 2013, submit a request to
37 the Interim Finance Committee for additional money or other
38 resources.

39 **Sec. 38.** This act becomes effective on July 1, 2013.



TEXT OF REPEALED SECTIONS

289.320 Certain designated employees of Nevada Transportation Authority. An employee of the Nevada Transportation Authority whom it designates as an inspector 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 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.

706.1517 Authority: Employees who are peace officers may carry firearms. Employees of the Authority who are peace officers may carry firearms in the performance of their duties.

