

SENATE BILL NO. 432—COMMITTEE ON TRANSPORTATION

MARCH 25, 2013

Referred to Committee on Transportation

SUMMARY—Revises provisions governing the regulation of taxicabs. (BDR 58-1073)

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 each operator of a taxicab business to post a sign notifying passengers of the maximum penalties for committing an assault or battery upon a driver of a taxicab; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Sections 2 and 3** of this bill require each operator of a taxicab business to post
2 a sign in each taxicab that it operates notifying passengers of the maximum
3 penalties for committing an assault or battery upon a taxicab driver. **Sections 5, 6**
4 **and 9** of this bill provide that the penalties for violating this requirement are the
5 same as the penalties generally applicable to violations of existing law governing
6 the operators of taxicab businesses.

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

1 **Section 1.** Chapter 706 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1. *Each taxicab motor carrier shall post at least one***
4 ***sign which meets the requirements of this section inside each***
5 ***taxicab that he or she operates in a location conspicuous to the***
6 ***passengers of the taxicab.***



2. *Each sign required by subsection 1 must contain a notice in at least 16-point bold type that is easy to read and is in substantially the following form:*

WARNING

ASSAULT UPON A TAXICAB DRIVER IS PUNISHABLE BY UP TO 6 YEARS IN PRISON. BATTERY UPON A TAXICAB DRIVER IS PUNISHABLE BY UP TO 15 YEARS IN PRISON.

Sec. 3. 1. *Each certificate holder shall post at least one sign which meets the requirements of this section inside each of the certificate holder's taxicabs in a location conspicuous to the passengers of the taxicab.*

2. *Each sign required by subsection 1 must contain a notice in at least 16-point bold type that is easy to read and is in substantially the following form:*

WARNING

ASSAULT UPON A TAXICAB DRIVER IS PUNISHABLE BY UP TO 6 YEARS IN PRISON. BATTERY UPON A TAXICAB DRIVER IS PUNISHABLE BY UP TO 15 YEARS IN PRISON.

Sec. 4. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 2 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. 5. 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 2 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 2 of this act*, or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive **H**, *and section 2 of this act*;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive **H**, *and section 2 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 2 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:

(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



1 may be punished by imprisonment in the county jail for not more
2 than 6 months.

3 3. Any person who, in violation of the provisions of NRS
4 706.386, operates or permits the operation of a vehicle in passenger
5 service without first obtaining a certificate of public convenience
6 and necessity is guilty of a gross misdemeanor.

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

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

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

15 **Sec. 6.** NRS 706.781 is hereby amended to read as follows:

16 706.781 In addition to all the other remedies provided by NRS
17 706.011 to 706.861, inclusive, *and section 2 of this act*, for the
18 prevention and punishment of any violation of the provisions thereof
19 and of all orders of the Authority or the Department, the Authority
20 or the Department may compel compliance with the provisions of
21 NRS 706.011 to 706.861, inclusive, *and section 2 of this act* and
22 with the orders of the Authority or the Department by proceedings
23 in mandamus, injunction or by other civil remedies.

24 **Sec. 7.** NRS 706.881 is hereby amended to read as follows:

25 706.881 1. The provisions of NRS 706.8811 to 706.885,
26 inclusive, *and section 3 of this act* apply to any county:

27 (a) Whose population is 700,000 or more; or

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

32 2. Upon receipt of a certified copy of such an ordinance from a
33 county for whom regulation by the Taxicab Authority is not
34 required, the Taxicab Authority shall exercise its regulatory
35 authority pursuant to NRS 706.8811 to 706.885, inclusive, *and*
36 *section 3 of this act* within that county.

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

40 **Sec. 8.** NRS 706.8811 is hereby amended to read as follows:

41 706.8811 As used in NRS 706.881 to 706.885, inclusive, *and*
42 *section 3 of this act*, unless the context otherwise requires, the
43 words and terms defined in NRS 706.8812 to 706.8817, inclusive,
44 have the meanings ascribed to them in those sections.



Sec. 9. NRS 706.885 is hereby amended to read as follows:

706.885 1. Any person who knowingly makes or causes to be made, either directly or indirectly, a false statement on an application, account or other statement required by the Taxicab Authority or the Administrator or who violates any of the provisions of NRS 706.881 to 706.885, inclusive, *and section 3 of this act* is guilty of a misdemeanor.

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

(a) Any violation of any provision of NRS 706.881 to 706.885, inclusive, *and section 3 of this act* or any regulation of the Taxicab Authority or Administrator.

(b) Knowingly permitting or requiring any employee to violate any provision of NRS 706.881 to 706.885, inclusive, *and section 3 of this act* or any regulation of the Taxicab Authority or Administrator.

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

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

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

5. The conviction of a person pursuant to subsection 1 does not bar the Taxicab Authority or Administrator from suspending or revoking any certificate, permit or license of the person convicted. The imposition of a fine or suspension or revocation of any certificate, permit or license by the Taxicab Authority or



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- 1 Administrator does not operate as a defense in any proceeding
- 2 brought under subsection 1.

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