

ASSEMBLY BILL NO. 181—ASSEMBLYWOMAN  
BUSTAMANTE ADAMS

FEBRUARY 19, 2015

Referred to Committee on Transportation

SUMMARY—Revises provisions governing motor carriers.  
(BDR 58-268)

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 motor carriers, requiring certain fully regulated carriers to pay an annual fee to the Nevada Transportation Authority; revising filing fees imposed for certain applications required to be filed with the Authority by certain motor carriers; requiring an inspection of certain charter buses and the payment to the Authority of an inspection fee; revising fees for certain limousines; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the Nevada Transportation Authority is required to regulate fully regulated carriers, operators of tow cars and brokers of regulated services. (NRS 706.166) **Section 1** of this bill imposes an annual fee of not more than \$200 on each fully regulated carrier except the operator of a tow car or a limousine or a taxicab motor carrier. Existing law makes a violation of **section 1** a misdemeanor, as shown in **section 6** of this bill. (NRS 706.756)

Existing law authorizes the Nevada Transportation Authority to collect fees for the filing of certain official documents, which for the filing of an application may not exceed \$200. (NRS 706.197) **Section 3** of this bill revises that application fee to \$500.

Under existing law, each owner or operator of a charter bus which is not a fully regulated carrier must comply with certain laws and regulations relating to safety, and must submit to the Authority: (1) certain evidence of liability insurance or a bond; (2) a complete set of fingerprints of certain persons affiliated with the owner or operator; and (3) a copy of its schedule or tariff setting forth the rates established by the owner or operator. (NRS 706.463) **Section 4** of this bill requires the owner



or operator of a charter bus which is not a fully regulated carrier to submit to an inspection by the Authority of each charter bus intended for use by the owner or operator before that charter bus may be used by the owner or operator. The Authority is authorized to establish a fee for such an inspection which must not be more than \$35. **Section 7** of this bill requires the Authority to establish procedures for the orderly inspection of each charter bus subject to the inspection requirement which is in operation on or before July 1, 2015.

Existing law requires an operator of a limousine to pay to the Authority an annual fee of \$100 for each limousine that the Authority has authorized the operator to operate. (NRS 706.465) **Section 5** of this bill revises that fee to \$200 for each such limousine.

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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 subsection 5, each fully regulated carrier subject to the jurisdiction of the Authority shall, before commencing to operate and annually thereafter, pay to the Authority for each motor vehicle that the Authority has authorized the fully regulated carrier to operate a fee of not more than \$200.*

*2. The fee provided in this section must be paid on or before July 1 of each year.*

*3. The initial fee must be reduced by one-twelfth for each month which has elapsed since July 1 before the commencement of operation of the motor vehicle by the fully regulated carrier.*

*4. Any person who fails to pay any fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the fee, plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the date the fee is due until the date of payment.*

*5. The provisions of this section do not apply to:*

*(a) The operator of a tow car;*

*(b) The operator of a limousine; or*

*(c) A taxicab motor 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 706.197 is hereby amended to read as follows:

706.197 1. The Authority may collect fees for the filing of any official document required by this chapter or by a regulation of the Authority.

2. Filing fees may not exceed:



(a) For applications, ~~[\$200.]~~ **\$500.**

(b) For petitions seeking affirmative relief, \$200.

(c) For each tariff page that requires public notice and is not attached to an application, \$10. If more than one page is filed at one time, the total fee may not exceed the cost of notice and publication.

(d) For all other documents that require public notice, \$10.

3. If an application or other document is rejected by the Authority because it is inadequate or inappropriate, the filing fee must be returned.

4. The Authority may not charge any fee for filing a complaint.

**Sec. 4.** NRS 706.463 is hereby amended to read as follows:

706.463 Each owner or operator of a charter bus which is not a fully regulated carrier shall:

1. Comply with the provisions of this chapter and any regulations adopted by the Authority pursuant to this chapter relating to safety;

2. Submit evidence satisfactory to the Authority that the owner or operator has obtained a liability insurance policy, certificate of insurance, bond of a surety company or other surety in the time, amount and form required by the Authority for a common motor carrier of passengers pursuant to NRS 706.291;

3. Submit a complete set of the fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the owner or operator and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; ~~[and]~~

4. Not later than 5 days before beginning operation in this State, submit to the Authority a copy of its schedule or tariff setting forth the rates established by the owner or operator. If the owner or operator intends to make any changes to its schedule or tariff, the owner or operator shall submit an updated copy of the schedule or tariff to the Authority not later than 5 days before the date on which those changes are to become effective. Notwithstanding any provision of this chapter to the contrary, schedules and tariffs submitted by the owner or operator to the Authority pursuant to this section, and the rates set forth in those schedules and tariffs, are not subject to hearing or approval by the Authority ~~[;]~~ **and**

***5. Submit to an inspection by the Authority of each charter bus intended for use by the owner or operator before that charter bus may be used by the owner or operator. The Authority shall establish a fee for an inspection, which must not be more than \$35.***



**Sec. 5.** NRS 706.465 is hereby amended to read as follows:

1. An operator of a limousine shall, beginning on July 1, 2003, and on July 1 of each year thereafter, pay to the Authority a fee of ~~[\$100]~~ \$200 for each limousine that the Authority has authorized the operator to operate.

2. An operator of a limousine shall:

(a) Charge and collect a technology fee in an amount set by the Authority for each compensable trip by a limousine that the Authority has authorized the operator to operate, if a computerized real-time data system is used for the purposes set forth in NRS 706.165; and

(b) Remit to the Authority, not later than the 10th day of each month, all technology fees collected by the operator pursuant to this subsection for the immediately preceding month.

➔ The fee charged pursuant to this subsection may only be charged within a county whose population is 700,000 or more, and may be included in the operator's tariff.

3. Any person who fails to pay any fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the fee, plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month, from the date the fee is due until the date of payment.

4. As used in this section:

(a) "Computerized real-time data system" means the computerized real-time data system implemented by the Authority pursuant to subsection 3 of NRS 706.1516.

(b) "Limousine" includes:

(1) A livery limousine; and

(2) A traditional limousine.

**Sec. 6.** NRS 706.756 is hereby amended to read as follows:

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 ~~(f)~~, *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:

(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



1 period of 12 consecutive months of any prior offense under this  
2 subsection, by a fine of \$1,000. In addition to the fine, the person  
3 may be punished by imprisonment in the county jail for not more  
4 than 6 months.

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

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

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

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

17 **Sec. 7.** As soon as practicable after July 1, 2015, the Nevada  
18 Transportation Authority shall:

19 1. Establish procedures for the orderly inspection, on or before  
20 December 31, 2015, of each charter bus which is not a fully  
21 regulated carrier which is in operation on or before July 1, 2015; and

22 2. Inform the owner or operator of each charter bus which is  
23 not a fully regulated carrier in operation on or before July 1, 2015,  
24 of:

25 (a) The inspection provision of NRS 706.463, as amended by  
26 this act; and

27 (b) The procedures established pursuant to subsection 1.

28 **Sec. 8.** This act becomes effective on July 1, 2015.

