

Amendment No. 1067

Assembly Amendment to Senate Bill No. 440 First Reprint	(BDR 58-983)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: Yes Title: Yes 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

AAK/BJE



Date: 6/1/2015

S.B. No. 440—Revises provisions relating to insurance. (BDR 57-983)



SENATE BILL NO. 440—COMMITTEE ON
COMMERCE, LABOR AND ENERGY

MARCH 23, 2015

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to ~~insurance. (BDR 57-983)~~
transportation. (BDR 58-983)

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 ~~insurance; revising provisions relating to casualty insurance for certain uses of motor vehicles;~~ transportation; requiring a transportation network company to enter into an agreement with certain establishments before allowing a driver to pick up passengers at such an establishment; revising provisions relating to the provision of transportation services to persons with disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law requires every owner or operator of a motor vehicle which is registered in this State to continuously provide insurance for the payment of tort liabilities arising from the maintenance or use of the motor vehicle subject to certain requirements for coverage. (NRS 485.185, 485.186) This bill provides different requirements for coverage for a motor vehicle which is used by a driver in connection with a transportation network company. Section 4 of this bill defines a "transportation network company" as an entity that uses a digital network or software application service to connect passengers to drivers who can provide transportation services. Section 6 of this bill defines "transportation services" as the transportation by motor vehicle of one or more passengers between points chosen by the passenger or passengers and prearranged with a driver through the use of the digital network or software application service of a transportation network company.~~

~~Section 7 of this bill requires a transportation network company to make certain disclosures to a person before allowing that person to provide transportation services as a driver. Section 8 of this bill requires a transportation network company or a driver to continuously provide insurance subject to certain requirements for coverage. Section 9 specifies that the transportation network company insurance may be provided by the transportation network company, the driver or both. Section 8 requires the transportation network company to provide certain insurance which provides coverage as primary insurance if the insurance provided by the driver is insufficient for certain reasons. Section 8 allows a policy of transportation network company insurance to include certain additional coverages. Section 9 prohibits an insurer who provides a policy of transportation network company insurance from requiring a driver's personal policy of automobile insurance to deny a claim before providing coverage.~~

~~Section 9 of this bill provides that a personal policy of automobile insurance is not required to include transportation network company insurance. Section 9 authorizes an insurer~~

~~to include transportation network company insurance in such a policy and allows the insurer to charge an additional premium for doing so.~~

~~Section 10 of this bill requires a transportation network company, a driver and an insurer who provides transportation network company insurance to cooperate in the investigation of an accident. Section 11 of this bill requires a driver: (1) to carry proof of transportation network company insurance at all times when the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services; and (2) to provide proof of coverage and disclose certain information to a law enforcement officer and to any other party with whom the driver is involved in an accident.) Existing law provides for the permitting and regulation of transportation network companies. (Assembly Bill No. 176 of the 2015 Session) Section 1 of this bill prohibits a transportation network company from allowing a driver affiliated with the company to pick up a passenger at an establishment which is a hotel with 1,000 or more rooms or a convention center with 400,000 or more square feet of exhibit space unless: (1) the company has entered into an agreement with the establishment, hotel or convention center; (2) the Nevada Transportation Authority has been provided notice of the agreement; and (3) the driver complies with the terms of the agreement. Section 2 of this bill requires a transportation network company which cannot provide a passenger with transportation services in a motor vehicle that is wheelchair accessible to refer the passenger to any available, alternative provider or means of transportation that is wheelchair accessible. Section 2 also requires a transportation network company to annually review the availability of transportation services to diverse communities.~~

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

Delete existing sections 1 through 11 of this bill and replace with the following new sections 1, 2 and 3:

Section 1. Section 29 of Assembly Bill No. 176 of this session is hereby amended to read as follows:

Sec. 29. 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

2. Before a transportation network company allows a person to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company, the company must:

(a) Require the person to submit an application to the company, which must include, without limitation:

- (1) The name, age and address of the applicant.
- (2) A copy of the driver's license of the applicant.
- (3) A record of the driving history of the applicant.
- (4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.

(5) Proof that the applicant has complied with the requirements of NRS 485.185.

(b) At the time of application and not less than once every 3 years thereafter, conduct or contract with a third party to conduct an investigation of the criminal history of the applicant, which must include, without limitation:

(1) A review of a commercially available database containing criminal records from each state which are validated using a search of the primary source of each record.

(2) A search of a database containing the information available in the sex offender registry maintained by each state.

(c) At the time of application and not less than once every year thereafter, obtain and review a complete record of the driving history of the applicant.

3. A transportation network company may enter into an agreement with a driver if:

(a) The applicant is at least 19 years of age.

(b) The applicant possesses a valid driver's license issued by the Department of Motor Vehicles unless the applicant is exempt from the requirement to obtain a Nevada driver's license pursuant to NRS 483.240.

(c) The applicant provides proof that the motor vehicle operated by him or her is registered with the Department of Motor Vehicles unless the applicant is exempt from the requirement to register the motor vehicle in this State pursuant to NRS 482.385.

(d) The applicant provides proof that the motor vehicle operated by him or her is operated and maintained in compliance with all applicable federal, state and local laws.

(e) The applicant provides proof that he or she currently is in compliance with the provisions of NRS 485.185.

(f) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of three or more violations of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a misdemeanor.

(g) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a gross misdemeanor or felony.

(h) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of federal, state or local law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

(i) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any crime involving an act of terrorism, an act of violence, a sexual offense, fraud, theft, damage to property of another or the use of a motor vehicle in the commission of a felony.

(j) The name of the applicant does not appear in the database searched pursuant to subparagraph (2) of paragraph (b) of subsection 2.

4. A transportation network company shall, before allowing any driver affiliated with the company to pick up a passenger at an establishment which is a hotel with 1,000 or more rooms or a convention center with 400,000 or more square feet of exhibit space, enter into an agreement with the establishment, hotel or convention center and provide notice of that agreement to the Authority. The agreement required by this subsection must include, without limitation, provisions governing the

provision of transportation services on the property of the establishment, hotel or convention center.

5. A transportation network company shall terminate an agreement with any driver who:

(a) Fails to submit to the transportation network company a change in his or her address, driver's license or motor vehicle registration within 30 days after the date of the change.

(b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history.

(c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not less than once each year and an investigation of his or her criminal history not less than once every 3 years.

(d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company.

(e) Fails to comply with the terms of an agreement entered into by the transportation network company pursuant to subsection 4.

Sec. 2. Section 32 of Assembly Bill No. 176 of this session is hereby amended to read as follows:

Sec. 32. 1. A transportation network company shall adopt a policy which prohibits discrimination against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

2. A driver shall not discriminate against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

3. A transportation network company shall provide to each passenger an opportunity to indicate whether the passenger requires transportation in a motor vehicle that is wheelchair accessible. If the company cannot provide the passenger with transportation services in a motor vehicle that is wheelchair accessible, the company must ~~direct~~ refer the passenger to ~~an~~ any available, alternative provider or means of transportation that is wheelchair accessible. ~~+, if available +~~

4. At least annually, a transportation network company shall solicit public comment and review the availability of transportation services to diverse communities, including, without limitation, persons with disabilities and persons who live outside of urban areas.

Sec. 3. This act becomes effective upon passage and approval.