

Amendment No. CA8

Conference Committee Amendment to Senate Bill No. 376 First Reprint	(BDR 58-632)
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Proposed by: Conference Committee

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

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/WLK



Date: 5/31/2015

S.B. No. 376—Revises provisions relating to motor carriers. (BDR 58-632)



SENATE BILL NO. 376—SENATOR SETTELMAYER

MARCH 17, 2015

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to motor carriers. (BDR 58-632)

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 motor carriers; revising provisions concerning an appeal of certain decisions of the Nevada Transportation Authority; revising provisions concerning an appeal of a final decision of the Taxicab Authority; ***revising provisions relating to the regulation of taxicabs; transferring the authority to administer and collect certain excise taxes from the Nevada Transportation Authority and the Taxicab Authority to the Department of Taxation;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any person who is aggrieved by a final decision of the Nevada Transportation Authority in an administrative hearing is entitled to judicial review. (NRS 233B.130, 706.2885, 706.771, 706.775) ***Section 1.1*** of this bill provides that any decision or action by the Nevada Transportation Authority which has the effect of substantially impairing, restricting or rescinding the ability or authorization of a fully regulated carrier to operate in this State or which refuses an applicant the ability or authorization to operate in this State as a fully regulated carrier is a final decision, and may be appealed directly to a court of competent jurisdiction for judicial review.

The Nevada Transportation Authority has regulatory authority over taxicab motor carriers in any county whose population is less than 700,000 (currently all counties except for Clark). (NRS 706.151, 706.881) In any county whose population is 700,000 or more (currently Clark County), the Taxicab Authority has regulatory authority over taxicab motor carriers. (NRS 706.881) Any person who is aggrieved by a final decision of the Taxicab Authority must appeal to the Nevada Transportation Authority. (NRS 706.8819) ***Sections 3 and 8*** of this bill provide that any person aggrieved by a final decision of the Taxicab Authority is entitled to judicial review, rather than requiring such a person to appeal to the Nevada Transportation Authority.

Existing law provides for the regulation of taxicabs by the Taxicab Authority in certain counties and the Nevada Transportation Authority in all other counties in this State. (Chapter 706 of NRS) Sections 1.5 and 1.7 of this bill allow, in areas regulated by the Taxicab Authority, for a person to operate a taxicab as an independent contractor in a similar manner as in areas regulated by the Nevada Transportation Authority. Sections 1.3 and 1.9 of this bill prohibit an employee of a person who holds a certificate of public convenience and necessity for the operation of a taxicab business from acting as a driver for a transportation network company during the same time the employee

26 uses a taxicab provided by his or her employer or is paid to operate a taxicab for his or
27 her employer. Sections 2.5, 7.7, 8.5, 8.7 and 8.9 of this bill allow a taxicab to use a device,
28 method or system other than a taximeter to indicate and determine the passenger fare
29 charged. Sections 3.5 and 8.3 of this bill revise provisions relating to the color and
30 display of information on a taxicab. Section 5.5 of this bill eliminates a provision that
31 allows the Nevada Transportation Authority to suspend the operation of a schedule or
32 tariff and defer the use of a rate, fare, charge, classification, regulation, discontinuance,
33 modification, restriction or practice for 150 days while the relevant issue is being
34 reviewed. Section 8.1 of this bill prohibits the Taxicab Authority from limiting the
35 geographical area from which service is offered or provided by a taxicab.

36 Existing law provides for the collection by the Nevada Transportation Authority or
37 the Taxicab Authority, as applicable, of an excise tax upon the connection of a passenger
38 to a driver affiliated with a transportation network company, a common motor carrier
39 of passengers or a taxicab in an amount of 3 percent of the fare charged to the
40 passenger. (Sections 28, 51 and 52 of Assembly Bill No. 175 of the 2015 Session) Sections
41 9-38 and 40 of this bill provide for the transfer of the responsibility to administer and
42 collect these excise taxes from the Nevada Transportation Authority and the Taxicab
43 Authority to the Department of Taxation.

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 thereto ~~[a new~~
2 ~~section to read as follows:]~~ the provisions set forth as sections 1.1 to 1.9,
3 inclusive, of this act.

4 **Sec. 1.1.** *Any decision or action by the Authority which:*

5 *1. Has the effect of substantially impairing, restricting or rescinding the*
6 *ability or authorization of a fully regulated motor carrier to operate in this State;*
7 *or*

8 *2. Refuses an applicant the ability or authorization to operate as a fully*
9 *regulated motor carrier in this State,*

10 *↪ is a final decision for the purpose of chapter 233B of NRS and may be*
11 *appealed directly to a court of competent jurisdiction for judicial review.*

12 **Sec. 1.3.** 1. A person who drives a taxicab as an employee of a person
13 who holds a certificate of public convenience and necessity which was issued for
14 the operation of a taxicab business shall not act as a driver, as defined by section
15 18 of Assembly Bill No. 176 of this session:

16 (a) Using the taxicab provided by his or her employer; or

17 (b) During any time for which the person receives wages from his or her
18 employer for duties which include driving a taxicab.

19 *2. A person who holds a certificate of public convenience and necessity*
20 *was issued for the operation of a taxicab business may terminate the*
21 *employment of a person who violates the provisions of subsection 1.*

22 **Sec. 1.5.** 1. A certificate holder may, upon approval from the Taxicab
23 Authority, lease a taxicab to an independent contractor who is not a certificate
24 holder. A certificate holder may lease only one taxicab to each independent
25 contractor with whom the person enters into a lease agreement. The taxicab may
26 be used only in a manner authorized by the certificate holder's certificate of
27 public convenience and necessity.

28 *2. A certificate holder who enters into a lease agreement with an*
29 *independent contractor pursuant to this section shall submit a copy of the*

agreement to the Taxicab Authority for its approval. The agreement is not effective until approved by the Taxicab Authority.

3. A certificate holder who leases a taxicab to an independent contractor is jointly and severally liable with the independent contractor for any violation of the provisions of this chapter or the regulations adopted pursuant thereto, and shall ensure that the independent contractor complies with such provisions and regulations.

4. The Taxicab Authority or any of its employees may intervene in a civil action involving a lease agreement entered into pursuant to this section.

Sec. 1.7. 1. The Taxicab Authority shall adopt such regulations as are necessary to:

(a) Carry out the provisions of section 1.5 of this act; and

(b) Ensure that the taxicab business remains safe, adequate and reliable.

2. Such regulations must include, without limitation:

(a) The minimum qualifications for an independent contractor;

(b) Requirements related to liability insurance;

(c) Minimum safety standards; and

(d) The procedure for approving a lease agreement and the provisions that must be included in a lease agreement concerning the grounds for the revocation of such approval.

Sec. 1.9. 1. A driver who operates a taxicab as an employee of a certificate holder shall not act as a driver, as defined by section 18 of Assembly Bill No. 176 of this session:

(a) Using the taxicab provided by his or her employer; or

(b) During any time for which the person receives wages from his or her employer for duties which include the operation of a taxicab.

2. A certificate holder may terminate the employment of a driver, as defined by NRS 706.8814, who violates the provisions of subsection 1.

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 14~~ sections 1.1 and 1.3 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. 2.5. NRS 706.124 is hereby amended to read as follows:

706.124 "Taxicab" means a vehicle which is not operated over a fixed route, is designed or constructed to accommodate and transport not more than six passengers, including the driver, and:

1. ~~Fitted with~~ Uses a taximeter or ~~has~~ some other device, method or system to indicate and determine the passenger fare charged for the distance traveled;

2. ~~Used~~ Is used in the transportation of passengers or light express, or both, for which a charge or fee is received; or

3. ~~Operated~~ Is operated in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.

Sec. 3. 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

1 actually necessary for the transportation of persons or property, including the
2 handling and storage of that property, over and along the highways.

3 (b) Every operator of a tow car concerning the rates and charges assessed for
4 towing services performed without the prior consent of the operator of the vehicle
5 or the person authorized by the owner to operate the vehicle and pursuant to the
6 provisions of NRS 706.011 to 706.791, inclusive ~~††~~, and ~~†section 1.1~~ sections 1.1
7 and 1.3 of this act.

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

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

14 (a) Providing training in safety;

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

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

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

22 (a) Fares of fully regulated carriers;

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

26 (c) Classifications;

27 (d) Divisions;

28 (e) Allowances; and

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

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

36 ~~†5. Review decisions of the Taxicab Authority appealed to the Authority~~
37 ~~pursuant to NRS 706.8819.†~~

38 **Sec. 3.5. NRS 706.281 is hereby amended to read as follows:**

39 706.281 1. In addition to any identifying device provided for in this chapter,
40 each motor vehicle within the provisions of NRS 706.011 to 706.791, inclusive,
41 and sections 1.1 and 1.3 of this act must have the name of the ~~†person or†~~ operator
42 operating the vehicle ~~†prominently and conspicuously†~~ displayed on ~~†both sides of†~~
43 the vehicle in such location, size and style as may be specified by the Authority.
44 The display shall not be deemed advertising for the purposes of NRS 706.285
45 unless additional information about the operator is included.

46 2. This section does not apply to motor vehicles:

47 (a) Weighing 10,000 pounds or less operated by private carriers and not
48 operated in combination with any other vehicle.

49 (b) Operated by an employer for the transportation of the employees of that
50 employer, whether or not the employees pay for the transportation.

1 **Sec. 4.** NRS 706.2885 is hereby amended to read as follows:

2 706.2885 1. A certificate of public convenience and necessity, permit or
3 license issued in accordance with this chapter is not a franchise and may be
4 revoked.

5 2. The Authority may at any time, for good cause shown, after investigation
6 and hearing and upon 5 days' written notice to the grantee, suspend any certificate,
7 permit or license issued in accordance with the provisions of NRS 706.011 to
8 706.791, inclusive, ~~and *section 4*~~ *sections 1.1 and 1.3 of this act* for a period not
9 to exceed 60 days.

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

16 4. ~~The~~ *Except as otherwise provided in section 4, 1.1 of this act, the*
17 proceedings thereafter are governed by the provisions of chapter 233B of NRS.

18 **Sec. 5.** NRS 706.321 is hereby amended to read as follows:

19 706.321 1. Except as otherwise provided in subsection 2, every common or
20 contract motor carrier shall file with the Authority:

21 (a) Within a time to be fixed by the Authority, schedules and tariffs that must:

22 (1) Be open to public inspection; and

23 (2) Include all rates, fares and charges which the carrier has established
24 and which are in force at the time of filing for any service performed in connection
25 therewith by any carrier controlled and operated by it.

26 (b) As a part of that schedule, all regulations of the carrier that in any manner
27 affect the rates or fares charged or to be charged for any service and all regulations
28 of the carrier that the carrier has adopted to comply with the provisions of NRS
29 706.011 to 706.791, inclusive ~~4, and *section 4*~~ *sections 1.1 and 1.3 of this act.*

30 2. Every operator of a tow car shall file with the Authority:

31 (a) Within a time to be fixed by the Authority, schedules and tariffs that must:

32 (1) Be open to public inspection; and

33 (2) Include all rates and charges for towing services performed without the
34 prior consent of the owner of the vehicle or the person authorized by the owner to
35 operate the vehicle which the operator has established and which are in force at the
36 time of filing.

37 (b) As a part of that schedule, all regulations of the operator of the tow car
38 which in any manner affect the rates charged or to be charged for towing services
39 performed without the prior consent of the owner of the vehicle or the person
40 authorized by the owner to operate the vehicle and all regulations of the operator of
41 the tow car that the operator has adopted to comply with the provisions of NRS
42 706.011 to 706.791, inclusive ~~4, and *section 4*~~ *sections 1.1 and 1.3 of this act.*

43 3. No changes may be made in any schedule, including schedules of joint
44 rates, or in the regulations affecting any rates or charges, except upon 30 days'
45 notice to the Authority, and all those changes must be plainly indicated on any new
46 schedules filed in lieu thereof 30 days before the time they are to take effect. The
47 Authority, upon application of any carrier, may prescribe a shorter time within
48 which changes may be made. The 30 days' notice is not applicable when the carrier
49 gives written notice to the Authority 10 days before the effective date of its
50 participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have
51 been previously filed with and approved by the Authority.

4. The Authority may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant to this section and, after hearing, by order, make such changes as may be just and reasonable.

5. The Authority may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the Authority are in force, and are prima facie lawful, from the date of the order until changed or modified by the Authority. ~~4. or pursuant to NRS 706.2883.~~

7. All regulations, practices and service prescribed by the Authority must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the Authority itself upon satisfactory showing made.

Sec. 5.5. NRS 706.326 is hereby amended to read as follows:

706.326 1. Whenever there is filed with the Authority pursuant to NRS 706.321 any schedule or tariff stating a new or revised individual or joint rate, fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge, or any schedule or tariff resulting in a discontinuance, modification or restriction of service, the Authority may commence an investigation or, upon reasonable notice, hold a hearing concerning the propriety of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice.

~~2. Pending the investigation or hearing and the decision thereon, the Authority, upon delivering to the common or contract motor carrier affected thereby a statement in writing of its reasons for the suspension, may suspend the operation of the schedule or tariff and defer the use of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice, but not for a longer period than 150 days beyond the time when the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.~~

~~3.~~ After full investigation or hearing, whether completed before or after the date upon which the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect, the Authority may make such order in reference to the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.

~~4.~~ 3. The Authority shall determine whether it is necessary to hold a hearing to consider the proposed change in any schedule stating a new or revised individual or joint rate, fare or charge. In making that determination, the Authority shall consider all timely written protests, any presentation the staff of the Authority may desire to present, the application and any other matters deemed relevant by the Authority.

Sec. 6. NRS 706.771 is hereby amended to read as follows:

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

2. If the Authority does not bring an action to recover the penalty prescribed by subsection 1, the Authority may impose an administrative fine of not more than \$10,000 for any violation of a provision of this chapter or any rule, regulation or order adopted or issued by the Authority or Department pursuant to the provisions of this chapter. ~~HH~~ *Except as otherwise provided in section ~~HH~~ 1.1 of this act, a* fine imposed by the Authority may be recovered by the Authority only after notice is given and a hearing is held pursuant to the provisions of chapter 233B of NRS.

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

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

Sec. 7. NRS 706.775 is hereby amended to read as follows:

706.775 1. In addition to any criminal penalty, any person who violates any provision of this chapter, or any lawful regulation, rule or order adopted or issued by the Department pursuant thereto is liable to the Department for an administrative fine as follows:

(a) For a first offense, a fine of \$500.

(b) For a second offense, a fine of \$1,000 or the total cost paid by the person for registration fees pursuant to NRS 482.480 and 482.482 and governmental services taxes pursuant to NRS 371.050 during the calendar year in which the offense was committed for the vehicle in which the offense was committed, whichever is greater, except that the amount of the fine must not exceed \$2,500.

(c) For a third offense, a fine of \$1,500 or the total cost paid by the person for registration fees pursuant to NRS 482.480 and 482.482 and governmental services taxes pursuant to NRS 371.050 during the calendar year in which the offense was committed for the vehicle in which the offense was committed, whichever is greater, except that the amount of the fine must not exceed \$2,500.

(d) For a fourth and any subsequent offense, a fine of \$2,500.

2. ~~The~~ *Except as otherwise provided in section ~~HH~~ 1.1 of this act, the* Department shall afford to any person fined pursuant to subsection 1 an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the State Highway Fund.

Sec. 7.3. NRS 706.881 is hereby amended to read as follows:

706.881 1. The provisions of NRS 706.8811 to 706.885, inclusive, *and sections 1.5, 1.7 and 1.9 of this act* apply to any county:

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

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

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, *and sections 1.5, 1.7 and 1.9 of this act* within that county.

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

Sec. 7.7. NRS 706.8816 is hereby amended to read as follows:

706.8816 1. "Taxicab" means a motor vehicle or vehicles which is designed or constructed to accommodate and transport not more than six passengers, including the driver, and ~~is:~~

(a) ~~Fitted with~~ *Uses* a taximeter or *some* other device *, method or system* to indicate and determine the passenger fare charged;

(b) ~~Used~~ *Is used* in the transportation of passengers or light express or both for which a charge or fee is received; or

(c) ~~Operated~~ *Is operated* in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.

2. "Taxicab" does not include a motor vehicle of:

(a) A common motor carrier.

(b) A contract motor carrier which operates along fixed routes.

(c) An employer who operates the vehicle for the transportation of the employees of that employer, whether or not the employees pay for the transportation.

Sec. 8. NRS 706.8819 is hereby amended to read as follows:

706.8819 1. The Taxicab Authority shall conduct hearings and make final decisions in the following matters:

(a) Applications to adjust, alter or change the rates, charges or fares for taxicab service;

(b) Applications for certificates of public convenience and necessity to operate a taxicab service;

(c) Applications requesting authority to transfer any existing interest in a certificate of public convenience and necessity or in a corporation that holds a certificate of public convenience and necessity to operate a taxicab business;

(d) Applications to change the total number of allocated taxicabs in a county to which NRS 706.881 to 706.885, inclusive, *and sections 1.5, 1.7 and 1.9 of this act* apply; and

(e) Appeals from final decisions of the Administrator made pursuant to NRS 706.8822.

2. ~~{An appeal from the}~~ *Any* final decision of the Taxicab Authority ~~{must be made to the Nevada Transportation Authority.}~~ *pursuant to this section is subject to judicial review pursuant to NRS 233B.130.*

Sec. 8.1. NRS 706.8824 is hereby amended to read as follows:

706.8824 1. In determining whether circumstances require the establishment of a system of allocations or a change in existing allocations, the Taxicab Authority shall consider the interests, welfare, convenience, necessity and well-being of the customers of taxicabs.

2. Whenever circumstances require the establishment of a system of allocations, the Taxicab Authority shall allocate the number of taxicabs among the certificate holders in the county in a manner which reflects the number of taxicabs operated by each certificate holder during the 5 years immediately preceding the date of establishment of the Taxicab Authority in the county.

3. Whenever circumstances require an increase in the existing allocations, the Taxicab Authority shall allocate the additional taxicabs equally among all the certificate holders who apply from the area to be affected by the allocation.

4. Unless a certificate holder puts the additionally allocated taxicabs into service within 30 days after the effective date of the increased allocation, the increased allocation to that certificate holder is void.

5. ~~The~~ Except as otherwise provided in this subsection, the Taxicab Authority may attach to the exercise of the rights granted by the allocation any terms and conditions which in its judgment the public interest may require. The Taxicab Authority may: ~~limit;~~

(a) ~~The~~ Not limit the geographical area from which service is offered or provided.

(b) ~~The~~ Limit the hours of service. ~~Such~~, but such a limitation must not reduce hours of service to less than 12 consecutive hours in a 24-hour period.

➤ If a limitation is placed on an allocation, taxicabs must be marked in a distinctive manner that indicates the limitation.

6. The Taxicab Authority shall review annually:

(a) The existing allocation of taxicabs; and

(b) The rates, charges or fares of the certificate holders in its jurisdiction.

Sec. 8.3. NRS 706.8835 is hereby amended to read as follows:

706.8835 1. A certificate holder shall display on each of the certificate holder's taxicabs the fare schedule under which it is being operated. The schedule must be permanently affixed:

(a) On the outside of both front doors in bold block letters which are ~~of a color which contrasts with the color of the taxicab and which are~~ not less than three-fourths of an inch in height; and

(b) Inside the taxicab so as to be visible and easily readable by passengers.

2. A certificate holder shall have a unit number and the name of the certificate holder displayed on ~~each side of~~ each taxicab in bold block letters not less than 4 inches in height and in a color which contrasts with the color of the taxicab.

Sec. 8.5. NRS 706.8836 is hereby amended to read as follows:

706.8836 1. A certificate holder shall ~~equip~~ for each of the certificate holder's taxicabs which is equipped with a taximeter. ~~and shall~~ make provisions when installing the taximeter to allow sealing by the Administrator.

2. The Administrator shall approve the types of taximeters which may be used on a taxicab. All taximeters must conform to a 2-percent plus or minus tolerance on the fare recording, must be equipped with a signal device plainly visible from outside of the taxicab, must be equipped with a device which records fares and is plainly visible to the passenger and must register upon plainly visible counters the following items:

(a) Total miles;

(b) Paid miles;

(c) Number of units;

(d) Number of trips; and

(e) Number of extra passengers or extra charges.

3. The Administrator shall inspect each taximeter before its use in a taxicab and shall, if the taximeter conforms to the standards specified in subsection 2, seal the taximeter.

4. Except as otherwise provided in subsection 5, a taximeter may be sealed by:

(a) Affixing a physical security seal to each access point of the taximeter; or

(b) Using an electronic security seal that is encrypted and protected by an audited authentication and authorization mechanism for each user that is accessible only by the Administrator.

5. The Administrator may require that each taximeter be sealed by an electronic security seal that is encrypted and protected by an audited authentication and authorization mechanism for each user that is accessible only by the Administrator if the Administrator:

(a) Makes a finding that the technology for the sealing method is commercially available and will reduce the costs to the Taxicab Authority for inspecting taximeters; and

(b) Provides notice to each certificate holder at least 12 months before requiring the use of the sealing method.

6. The Administrator may reinspect the taximeter at any reasonable time.

7. A certificate holder shall, for each of the certificate holder's taxicabs which is equipped with a device, method or system to indicate and determine the passenger fare charged other than a taximeter, provide verification to the Administrator that the device, method or system adequately records fares and has an application or electronic means to plainly display to the passenger the rate and fare. Such a device, method or system must maintain and record:

(a) Total miles;

(b) Paid miles;

(c) Number of units;

(d) Number of trips; and

(e) Number of extra passengers or extra charges.

8. For the purposes of this section, "sealing" means prohibiting access to the elements of the taximeter used to calculate the items specified in subsection 2 by anyone other than the Administrator.

Sec. 8.7. NRS 706.8844 is hereby amended to read as follows:

706.8844 1. A certificate holder shall require the certificate holder's drivers to keep a daily trip sheet in a form to be prescribed by the Taxicab Authority, including, without limitation, in electronic form.

2. At the beginning of each period of duty the driver shall record on the driver's trip sheet:

(a) The driver's name and the number of the taxicab;

(b) The time at which the driver began the period of duty by means of a time clock provided by the certificate holder;

(c) ~~That~~ If the taxicab is equipped with a taximeter, the meter readings for total miles, paid miles, trips, units, extra passengers and extra charges; and

(d) The odometer reading of the taxicab.

3. During each period of duty the driver shall record on the driver's trip sheet:

(a) The time, place of origin and destination of each trip; and

(b) The number of passengers and amount of fare for each trip.

4. At the end of each period of duty the driver shall record on the driver's trip sheet:

(a) The time at which the driver ended the period of duty by means of a time clock provided by the certificate holder;

(b) ~~That~~ If the taxicab is equipped with a taximeter, the meter readings for total miles, paid miles, trips, units and extra passengers; and

(c) The odometer reading of the taxicab.

5. A certificate holder shall furnish a trip sheet form for each taxicab operated by a driver during the driver's period of duty and shall require the drivers to return their completed trip sheets at the end of each period of duty.

6. A certificate holder shall retain all trip sheets of all drivers in a safe place for a period of 3 years immediately succeeding December 31 of the year to which they respectively pertain and shall make such manifests available for inspection by the Administrator upon reasonable demand.

7. Any driver who maintains a trip sheet in a form less complete than that required by subsection 1 is guilty of a misdemeanor.

8. The Administrator shall prescribe the requirements for the use of an electronic version of a daily trip sheet. If a certificate holder requires its drivers to keep a daily trip sheet in electronic form, the certificate holder may comply with the requirements of this section:

(a) By maintaining the information collected from the daily trip sheet in a secure database and providing the Administrator with access to the information in the database at regular intervals established by the Administrator and upon reasonable demand; or

(b) By reporting the information to the Administrator on the computerized real-time data system implemented pursuant to subsection 4 of NRS 706.8825.

Sec. 8.9. NRS 706.8849 is hereby amended to read as follows:

706.8849 1. ~~1. If a taxicab is equipped with a taximeter, the~~ taxicab driver shall:

(a) Ensure that the fare indicator on the taximeter of the taxicab reads zero before the time that the taxicab is engaged.

(b) Ensure that the taximeter of the taxicab is engaged while the taxicab is on hire.

(c) Not make any charge for the transportation of a passenger other than the charge shown on the taximeter.

(d) Not alter, manipulate, tamper with or disconnect a sealed taximeter or its attachments nor make any change in the mechanical condition of the wheels, tires or gears of a taxicab with intent to cause false registration on the taximeter of the passenger fare.

~~(e) Not remove or alter fare schedules which have been posted in the taxicab by the certificate holder.~~

~~(f)~~ Not permit any person or persons other than the person who has engaged the taxicab to ride therein unless the person who has engaged the taxicab requests that the other person or persons ride in the taxicab. If more than one person is loaded by the taxicab driver as set forth in this paragraph, the driver shall, when one of the persons leaves the taxicab, charge that person the fare on the meter and reset the taximeter.

2. A taxicab driver shall:

(a) Not remove or alter fare schedules which have been posted in the taxicab by the certificate holder.

(b) Not drive a taxicab or go on duty while under the influence of, or impaired by, any controlled substance, dangerous drug, or intoxicating liquor or drink intoxicating liquor while on duty.

(c) Not use or consume controlled substances or dangerous drugs which impair a person's ability to operate a motor vehicle at any time, or use or consume any other controlled substances or dangerous drugs at any time except in accordance with a lawfully issued prescription.

(d) Not operate a taxicab without a valid driver's permit issued pursuant to NRS 706.8841 and a valid driver's license issued pursuant to NRS 483.325 in the driver's possession.

(e) Obey all provisions and restrictions of the certificate of public convenience and necessity issued to the driver's employer ~~+~~

or the certificate holder with whom the driver contracts.

3. If a driver violates any provision of subsection 1 ~~1~~ **or 2,** the Administrator may, after a hearing, impose the following sanctions:

(a) For a first offense, 1 to 5 days' suspension of a driver's permit or a fine of not more than \$100, or both suspension and fine.

(b) For a second offense, 6 to 20 days' suspension of a driver's permit or a fine of not more than \$300, or both suspension and fine.

(c) For a third offense, a fine of not more than \$500.
➤ In addition to the other penalties set forth in this subsection, the Administrator may revoke a driver's permit for any violation of a provision of paragraph ~~(c)~~ (b) of subsection ~~2~~.

~~3~~ 2.
4. Only violations occurring in the 12 months immediately preceding the most current violation may be considered for the purposes of subsection ~~2~~ 3. The Administrator shall inspect the driver's record for that period to compute the number of offenses committed.

Sec. 9. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 10 to 32, inclusive, of this act.

Sec. 10. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 11 to 18, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 11. "Certificate holder" has the meaning ascribed to it in NRS 706.8813.

Sec. 12. "Common motor carrier of passengers" has the meaning ascribed to it in NRS 706.041.

Sec. 13. "Driver" has the meaning ascribed to it in section 18 of Assembly Bill No. 176 of this session.

Sec. 14. "Operator" has the meaning ascribed to it in NRS 706.101.

Sec. 15. "Taxicab" has the meaning ascribed to it in NRS 706.8816.

Sec. 16. "Taxpayer" means a:

1. Common motor carrier of passengers;

2. Taxicab; or

3. Transportation network company.

Sec. 17. "Transportation network company" has the meaning ascribed to it in section 19 of Assembly Bill No. 176 of this session.

Sec. 18. "Transportation services" has the meaning ascribed to it in section 20 of Assembly Bill No. 176 of this session.

Sec. 19. The provisions of chapter 360 of NRS relating to the payment, collection, administration and enforcement of taxes, including, without limitation, any provisions relating to the imposition of penalties and interest, shall be deemed to apply to the payment, collection, administration and enforcement of the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session to the extent that those provisions do not conflict with the provisions of this chapter.

Sec. 20. The Department shall adopt all necessary regulations to carry out the provisions of this chapter.

Sec. 21. The State Treasurer shall deposit any money the State Treasurer receives from the Department pursuant to sections 28, 51 and 52 of Assembly Bill No. 175 of this session:

1. For the first \$5,000,000 of the combined amount of such money received in each biennium, for credit to the State Highway Fund.

2. For any additional amount of such money received in each fiscal year, for credit to the State General Fund.

Sec. 22. 1. Each person responsible for maintaining the records of a taxpayer shall:

(a) Keep such records as may be necessary to determine the amount of the liability of the taxpayer pursuant to the provisions of this chapter;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and

(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 23. To verify the accuracy of any return filed by a taxpayer or, if no return is filed, to determine the amount required to be paid, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session.

Sec. 24. If the Department determines that the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session or any penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.

Sec. 25. 1. Except as otherwise provided in NRS 360.235 and 360.395:

(a) No refund of the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session may be allowed unless a claim for refund is filed with the Department within 3 years after the last day of the month following the month for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. The failure to file a claim within the time prescribed in subsection 1 constitutes a waiver of any demand against the State on account of any overpayment.

Sec. 26. 1. Except as otherwise provided in subsection 2, NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.

2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 27. 1. Within 30 days after rejecting a claim for refund or credit in whole or in part, the Department shall serve written notice of its action on the claimant in the manner prescribed for service of a notice of deficiency determination. Within 30 days after the date of service of the notice, a claimant who is aggrieved by the action of the Department may file an appeal with the Nevada Tax Commission.

2. If the Department fails to serve notice of its action on a claim for refund or credit within 6 months after the claim is filed, the claimant may consider the

claim to be disallowed and file an appeal with the Nevada Tax Commission within 30 days after the last day of the 6-month period.

3. The final decision of the Nevada Tax Commission on an appeal is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

Sec. 28. 1. A proceeding for judicial review of a decision of the Nevada Tax Commission may not be commenced or maintained by an assignee of the claimant or by any other person other than the person who paid the amount at issue in the claim.

2. The failure of a claimant to file a timely petition for judicial review constitutes a waiver of any demand against the State on account of any overpayment.

Sec. 29. 1. If judgment is rendered for the claimant in a proceeding for judicial review, any amount found by the court to have been erroneously or illegally collected must first be credited to any tax due from the claimant. The balance of the amount must be refunded to the claimant.

2. In any such judgment, interest must be allowed at the rate of 3 percent per annum upon any amount found to have been erroneously or illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.

Sec. 30. 1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection of the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session or any amount of tax, penalty or interest required to be collected.

2. No suit or proceeding, including, without limitation, a proceeding for judicial review, may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed within the time prescribed in section 25 of this act.

Sec. 31. 1. A person shall not, with intent to defraud the State or evade payment of the excise tax imposed by sections 28, 51 and 52 of Assembly Bill No. 175 of this session or any part of the taxes:

(a) Make, cause to be made or permit to be made any false or fraudulent return or declaration or false statement in any return or declaration.

(b) Make, cause to be made or permit to be made any false entry in books, records or accounts.

(c) Keep, cause to be kept or permit to be kept more than one set of books, records or accounts.

2. Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.

Sec. 32. The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in those sections.

Sec. 33. NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section and NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A or 377C of NRS, ~~or~~ or sections 10 to 32, inclusive, of this act and sections 28, 51 and 52 of Assembly Bill No. 175 of

this session, any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 34. NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 377C, 444A or 585 of NRS, ~~or~~ or sections 10 to 32, inclusive, of this act and sections 28, 51 and 52 of Assembly Bill No. 175 of this session, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 35. Section 28 of Assembly Bill No. 175 of this session is hereby amended to read as follows:

Sec. 28. 1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the use of a digital network or software application service of a transportation network company to connect a passenger to a driver for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~Commission~~ Department of Taxation shall charge and collect from each transportation network company the excise tax imposed by this subsection.

2. The excise tax collected by the ~~Commission~~ Department of Taxation pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section ~~52 of this act~~ 21 of Senate Bill No. 376 of this session.

Sec. 36. Section 51 of Assembly Bill No. 175 of this session is hereby amended to read as follows:

Sec. 51. 1. Except as otherwise provided in subsection 2 and in addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the connection, whether by dispatch or other means, made by a common motor carrier of a passenger to a person or

operator willing to transport the passenger at the rate of 3 percent of the total fare charged for the transportation, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~{Authority}~~ Department of Taxation shall charge and collect from each common motor carrier of passengers the excise tax imposed by this subsection.

2. The provisions of subsection 1 do not apply to an airport transfer service.

3. The excise tax collected by the ~~{Authority}~~ Department of Taxation pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section ~~{53 of this act}~~ 21 of Senate Bill No. 376 of this session.

4. As used in this section, "airport transfer service" means the transportation of passengers and their baggage in the same vehicle, except by taxicab, for a per capita charge between airports or between an airport and points and places in this State. The term does not include charter services by bus, charter services by limousine, scenic tours or special services.

Sec. 37. Section 52 of Assembly Bill No. 175 of this session is hereby amended to read as follows:

Sec. 52. 1. Except as otherwise provided in subsection 2 and in addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the connection, whether by dispatch or other means, made by a certificate holder of a passenger to a taxicab willing to transport the passenger at the rate of 3 percent of the total fare charged for the transportation, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~{Taxicab Authority}~~ Department of Taxation shall charge and collect from each certificate holder the excise tax imposed by this subsection.

2. The excise tax collected by the ~~{Taxicab Authority}~~ Department of Taxation pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section ~~{53 of this act}~~ 21 of Senate Bill No. 376 of this session.

Sec. 38. The Legislative Counsel shall, in preparing the reprint and supplements to the Nevada Revised Statutes, make such changes as necessary to the placement within NRS of the provisions of Assembly Bill No. 175 of this session to carry out the provisions of this act which transfer the responsibility for collecting and administering the excise taxes imposed by Assembly Bill No. 175 of this session to the Department of Taxation.

~~{Sec. 9.}~~ Sec. 39. The amendatory provisions of this act do not apply to any administrative hearings before the Taxicab Authority where a final decision was issued by the Taxicab Authority on or before January 1, 2016.

Sec. 40. 1. Section 53 of Assembly Bill No. 175 of this session is hereby repealed.

2. Sections 51 and 52 of Assembly Bill No. 176 of this session are hereby repealed.

~~{Sec. 10.}~~ Sec. 41. NRS 706.2883 is hereby repealed.

~~{Sec. 11.}~~ Sec. 42. 1. This section and sections 9 to 35, inclusive, 38 and 40 of this act become effective upon passage and approval.

2. Sections 36 and 37 of this act become effective on August 28, 2015.

1 3. Sections 1 to 8.9, inclusive, 39 and 41 of this act ~~becomes~~ become
2 effective on January 1, 2016.

TEXT OF REPEALED SECTION OF NRS AND
TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

706.2883 Person aggrieved by action or inaction of Taxicab Authority entitled to judicial review; regulations of Nevada Transportation Authority regarding its review of decisions of Taxicab Authority. Any person who is aggrieved by any action or inaction of the Taxicab Authority pursuant to NRS 706.8819 is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS. The Nevada Transportation Authority may adopt such regulations as may be necessary to provide for its review of decisions of the Taxicab Authority.

Section 53 of Assembly Bill No. 175 of the 78th Session of the Nevada Legislature:

Sec. 53. The State Treasurer shall deposit any money the State Treasurer receives from the Public Utilities Commission of Nevada pursuant to section 28 of this act, the Authority pursuant to section 51 of this act and the Taxicab Authority pursuant to section 52 of this act:

1. For the first \$5,000,000 of the combined amount of such money received in each biennium, for credit to the State Highway Fund.

2. For any additional amount of such money received in each fiscal year, for credit to the State General Fund.

Section 51 of Assembly Bill No. 176 of the 78th Session of the Nevada Legislature:

Sec. 51. Section 28 of Assembly Bill No. 175 of this session is hereby amended to read as follows:

Sec. 28. 1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the use of a digital network or software application service of a transportation network company to connect a passenger to a driver for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~Commission~~ *Authority* shall charge and collect from each transportation network company the excise tax imposed by this subsection.

2. The excise tax collected by the ~~Commission~~ *Authority* pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section 53 of this act.

Section 52 of Assembly Bill No. 176 of the 78th Session of the Nevada Legislature:

Sec. 52. Section 53 of Assembly Bill No. 175 of this session is hereby amended to read as follows:

Sec. 53. The State Treasurer shall deposit any money the State Treasurer receives from the ~~Public Utilities Commission of~~ Nevada

Transportation Authority pursuant to ~~section~~ *sections* 28 ~~of this act,~~
~~the Authority pursuant to section~~ *and* 51 of this act and the Taxicab
Authority pursuant to section 52 of this act:

1. For the first \$5,000,000 of the combined amount of such money received in each biennium, for credit to the State Highway Fund.
2. For any additional amount of such money received in each fiscal year, for credit to the State General Fund.