

Amendment No. 237

Assembly Amendment to Assembly Bill No. 487	(BDR 58-783)
Proposed by: Assembly Committee on Transportation	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	
Adoption of this amendment will REMOVE the 2/3s majority vote requirement from A.B. 487.	

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.

DLJ/JRS



Date: 4/18/2017

A.B. No. 487—Revises provisions relating to vehicles. (BDR 58-783)



ASSEMBLY BILL NO. 487—COMMITTEE ON TRANSPORTATION

MARCH 27, 2017

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to vehicles. (BDR 58-783)

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 vehicles; revising provisions relating to taxicabs in certain counties of this State; ~~authorizing the Taxicab Authority and the Nevada Transportation Authority to enter into a memorandum of understanding regarding~~ **conferring** concurrent enforcement jurisdiction **upon the Taxicab Authority and the Nevada Transportation Authority** over transportation network companies and affiliated drivers; authorizing the use of money obtained from the imposition of a technology fee for certain purposes; revising provisions governing the exterior appearance of certain taxicabs; revising the amount of time a vehicle used as a taxicab may remain in service as a taxicab; requiring the inspection of a taxicab ~~at least~~ **not more than** once each year; revising provisions governing the authority of certain certificate holders to lease a taxicab to an independent contractor; authorizing an independent contractor who leases a taxicab to use the taxicab in accordance with an agreement with a transportation network company; ~~revising provisions relating to the collection of the excise tax imposed on the use of certain methods of connecting a passenger to a person who provides transportation services; imposing an excise tax on the connection between a contract motor carrier and a person or operator willing to transport a passenger;~~ repealing provisions relating to vehicles equipped with a dynamic display; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Taxicab Authority exercises regulatory authority over taxicabs in any county whose population is 700,000 or more (currently Clark County). (NRS 706.881) The Taxicab Authority may adopt regulations for the administration and enforcement of the provisions of existing law that apply to such taxicabs. (NRS 706.8818) Existing law requires the Nevada Transportation Authority to adopt regulations governing the operation in this State of a transportation network company and each driver who enters into an agreement with a transportation network company to receive connections to potential passengers and provide transportation services. (NRS 706A.100) **Section 3** of this bill ~~authorizes~~ **confers concurrent enforcement jurisdiction upon** the Taxicab Authority ~~to enter into a~~

~~memorandum of understanding with~~ and the Nevada Transportation Authority ~~which confers upon the Taxicab Authority concurrent enforcement jurisdiction~~ over a transportation network company and a person who is a driver for a transportation network company during any period in which the person provides transportation services in the county where the Taxicab Authority has jurisdiction. **Sections 1 and 14-16** of this bill make conforming changes.

Existing law requires payment to the Taxicab Authority of a technology fee in an amount set by the Taxicab Authority by each taxicab certificate holder for each compensable trip of each taxicab of the certificate holder. (NRS 706.8826) The money from the technology fee must be deposited in the Taxicab Authority Fund, and existing law requires that the money be used to implement technological improvements in safety, reliability and efficiency, including the implementation of a computerized real-time data system to assist with the regulation of taxicabs. (NRS 706.8825) **Section 5** of this bill removes the requirement for the money from the technology fee to be spent on such a system, and authorizes its use for the implementation of technological improvements in safety. **Section 26** of this bill repeals the provision of existing law authorizing the use of a computerized real-time data system.

Existing law requires the Taxicab Authority to approve or disapprove the color scheme, insignia and design of the cruising lights of the taxicabs of a certificate holder, and to ensure that each certificate holder's taxicabs are readily distinguishable from those of another certificate holder. (NRS 706.8833) **Section 6** of this bill retains the requirement that taxicabs of each certificate holder be readily distinguishable from those of each other certificate holder, but removes the requirement for the Taxicab Authority to approve such color schemes, insignia and design of cruising lights. **Section 6** also revises provisions governing the placement of advertisements on the exterior of taxicabs by authorizing the use of the advertisements if the placement of the advertisements does not impair the ability of the driver to operate the vehicle safely.

Under existing law, a certificate holder may only use for a taxicab a new vehicle or a vehicle with 30,000 miles or less on the odometer. A new vehicle used as a taxicab must be removed from service as a taxicab after 67 months of such use, and a vehicle with less than 30,000 miles on it when put into use as a taxicab must be removed from service after 55 months. If the vehicle is a hybrid electric vehicle, the vehicle is allowed an additional 24 months of service. (NRS 706.8834) **Section 7** of this bill provides instead that any vehicle used as a taxicab may only be used as a taxicab for 120 months after the date on which the vehicle was manufactured.

Section 8 of this bill newly requires each taxicab to display a statement indicating whether the certificate holder accepts credit cards and debit cards and, if so, listing the maximum fee a customer will be charged for the convenience of using a credit card or debit card. Existing law provides that the maximum amount of such a fee may be prescribed in regulation by the Taxicab Authority. (NRS 706.88355)

Existing law authorizes the Taxicab Administrator of the Department of Business and Industry to inspect a taxicab at any reasonable time. (NRS 706.8839) **Section 9** of this bill requires the Taxicab Administrator to conduct such an inspection ~~at least~~ not more than once each year.

Existing law authorizes a certificate holder to lease a taxicab to an independent contractor, who may only use the taxicab in a manner authorized by the certificate holder's certificate of public convenience and necessity. (NRS 706.88396) **Section 10** of this bill expands existing law by authorizing the independent contractor to use the taxicab to provide transportation services pursuant to an agreement with a transportation network company. **Section 10** also requires the certificate holder who leases a taxicab to an independent contractor to inspect the taxicab at least monthly. Section 10 also limits the number of unexpired leases a certificate holder may have to not more than the number of taxicabs allocated to the certificate holder by the Taxicab Authority. **Sections 14 and 15** of this bill make conforming changes.

Existing law requires an applicant for a driver's permit to drive a taxicab to prove that he or she has been a resident of this State for at least 30 days. (NRS 706.8841) **Section 11** of this bill requires the applicant to prove instead that he or she is a resident of this State or a state that adjoins the county in which the applicant has applied for the driver's permit. **Section 12** of this bill revises provisions regarding daily trip sheets to allow for the use of certain electronic trip sheets in place of time clocks operating systems.

Under existing law, a driver of a taxicab is not allowed to take a longer route to a passenger's destination than is necessary, unless specifically requested to do so by the passenger. (NRS 706.8846) **Section 13** of this bill provides that a driver must take the most direct route and is not allowed to take a longer or different route intentionally unless: (1) ~~specifically~~ requested or agreed to ~~do so~~ by the passenger; ~~if (2) the passenger consents after discussing with the driver the distance, time and fare for a longer route compared to the shortest route;~~ or ~~(2) the longer~~ different route is approved by the Taxicab Authority. **Section 13** also provides that the Taxicab Authority may only conduct an investigation for a violation of this provision upon receipt of a complaint by a passenger.

~~Existing law imposes an excise tax upon each connection by a transportation network company, common motor carrier of passengers or certificate holder of a passenger to a driver, person or operator of taxicab, respectively, to provide transportation to the passenger. (NRS 272B.140-272B.160) Sections 21-22 of this bill require each transportation network company, common motor carrier of passengers and certificate holder to collect the excise tax from a passenger or group of passengers at the time the passengers or group of passengers pay a fare. Section 22 also imposes a similar tax on contract motor carriers.~~

Under existing law, a person may not operate on the highways of this State any motor vehicle equipped with a dynamic display unless the vehicle is also equipped with a display management system that is configured to prevent the image or content on the dynamic display from changing when the vehicle is moving, in a turnout or in a location where such a change may cause undue distraction to other drivers. Such a dynamic display is also prohibited from projecting moving images or other moving content. (NRS 484D.493) **Section 26** of this bill repeals this provision.

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

Section 1. NRS 706.759 is hereby amended to read as follows:
706.759 1. ~~Except as otherwise provided in subsection 3,~~ a person who drives a taxicab as an employee of a person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business shall not act as a driver as defined in NRS 706A.040:

- (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 driving a taxicab.

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

3. The provisions of this subsection 1 do not apply to an independent contractor who leases a taxicab pursuant to NRS 706.88396.

Sec. 2. 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, **not** including the driver, and:

- (a) Uses a taximeter or some other device, method or system to indicate and determine the passenger fare charged;
- (b) Is used in the transportation of passengers or light express or both for which a charge or fee is received; or
- (c) 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. 3. NRS 706.8818 is hereby amended to read as follows:

706.8818 1. The Taxicab Authority, consisting of five members appointed by the Governor, is hereby created. Except as otherwise provided in NRS 232A.020, the term of each member is 3 years and no member may serve for more than 6 years. No more than three members may be members of the same political party, and no elected officer of the State or any political subdivision is eligible for appointment.

2. Each member of the Taxicab Authority is entitled to receive a salary of not more than \$80, as fixed by the Authority, for each day actually employed on work of the Authority.

3. While engaged in the business of the Taxicab Authority, each member and employee of the Authority is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. The Taxicab Authority shall maintain its principal office in the county or area of the State where it performs most of its regulatory activity.

5. The Taxicab Authority may adopt appropriate regulations for the administration and enforcement of NRS 706.881 to 706.885, inclusive, and, as it may deem necessary, for the conduct of the taxicab business and for the qualifications of and the issuance of permits to taxicab drivers, not inconsistent with the provisions of NRS 706.881 to 706.885, inclusive. The regulations may include different provisions to allow for differences among the counties to which NRS 706.881 to 706.885, inclusive, apply. Local law enforcement agencies and the Nevada Highway Patrol, upon request of the Authority, may assist in enforcing the provisions of NRS 706.881 to 706.885, inclusive, and regulations adopted pursuant thereto.

6. Except to the extent of any inconsistency with the provisions of NRS 706.881 to 706.885, inclusive, every regulation and order issued by the Nevada Transportation Authority remains effective in a county to which those sections apply until modified or rescinded by the Taxicab Authority, and must be enforced by the Taxicab Authority.

7. ~~The Taxicab Authority may enter into a memorandum of understanding with~~ and the Nevada Transportation Authority which confers upon the Taxicab Authority have concurrent enforcement jurisdiction over a transportation network company and a person who is a driver for the transportation network company during any period in which the person provides transportation services pursuant to chapter 706A of NRS in ~~that~~ a county where the Taxicab Authority has jurisdiction pursuant to NRS 706.881 ~~The memorandum of understanding must provide that~~ as follows:

(a) The enforcement jurisdiction of the Taxicab Authority over a person who is a driver for a transportation network company is limited to enforcement of the provisions of chapter 706A of NRS and the traffic laws of this State.

(b) A citation issued by the Taxicab Authority for a violation of any provision of chapter 706A of NRS to a transportation network company or a person who is a driver for a transportation network company must be adjudicated by the Nevada Transportation Authority pursuant to the provisions of chapter 706A of NRS.

Sec. 4. NRS 706.88183 is hereby amended to read as follows:

706.88183 1. The Taxicab Authority shall implement a system to verify ~~through the computerized real-time data system implemented pursuant to subsection 4 of NRS 706.8825~~ the validity of a temporary or permanent medallion issued by the Taxicab Authority.

2. As used in this section, “medallion” means the temporary or permanent authority to operate a taxicab within the jurisdiction of the Taxicab Authority which is issued by the Taxicab Authority pursuant to NRS 706.8811 to 706.885, inclusive.

Sec. 5. NRS 706.8825 is hereby amended to read as follows:

706.8825 1. All fees collected pursuant to NRS 706.881 to 706.885, inclusive, must be deposited by the Administrator to the credit of the Taxicab Authority Fund, which is hereby created as a special revenue fund. The transactions for each county subject to those sections must be accounted for separately within the Fund.

2. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

3. The revenues received pursuant to subsection 1 of NRS 706.8826 are hereby appropriated to defray the cost of regulating taxicabs in the county or the city, respectively, making the deposit under that subsection.

4. The fees received pursuant to subsection 3 of NRS 706.8826, NRS 706.8827, 706.8841, 706.8848, 706.8849 and 706.885 are hereby appropriated to defray the cost of regulating taxicabs in the county in which the certificate holder operates a taxicab business. The technology fees received pursuant to paragraph (c) of subsection 3 of NRS 706.8826 ~~must~~ *may* be used to implement technological improvements in safety. ~~reliability and efficiency, including, without limitation, the implementation of a computerized real time data system to assist with the regulation of the taxicabs in the county in which the certificate holder operates a taxicab business. A computerized real time data system implemented pursuant to this subsection must, at a minimum, satisfy the following criteria:~~

~~—(a) While a taxicab is in service within the jurisdiction of the Taxicab Authority, the system must be capable of collecting in real time from the onboard computer of the taxicab, by wireless access through the onboard diagnostic port or other means, the vehicle identification number and operating and telemetric data for the vehicle.~~

~~—(b) While a taxicab is in service within the jurisdiction of the Taxicab Authority, the system must be capable of collecting in real time, from an onboard diagnostic device capable of using a global positioning system that is installed in the taxicab or any other onboard computer software system capable of using a global positioning system that is installed in the taxicab, the location of the taxicab by latitude and longitude, a record of the time at which the taxicab is at that location and operating and telemetric data for the vehicle.~~

~~—(c) The system must be capable of allowing the driver of a taxicab, while the taxicab is in service within the jurisdiction of the Taxicab Authority, to register in the system, at the beginning and end of each shift, his or her identity and the number of his or her driver’s permit.~~

~~—(d) The system must be capable of allowing, in a manner prescribed by the Taxicab Authority, a certificate holder to digitally associate a taxicab with a temporary or permanent medallion for the purpose of verifying the validity of a temporary or permanent medallion pursuant to NRS 706.88183. As used in this paragraph, “medallion” has the meaning ascribed to it in NRS 706.88183.~~

~~—(e) The system must be capable of presenting, in real time to the Taxicab Authority, searchable histories, in both a format that displays the information and data in tables and a digital map format that displays streets and highways, of:~~

~~—(1) The information and data described in this subsection; and~~

~~—(2) The information described in NRS 706.8844.~~

~~—(f) The system must be capable of presenting to a passenger, through an application on a mobile device or on an interactive, digital display or other onboard system in the taxicab, sufficient information for the passenger to select and direct~~

1 the driver to the passenger's desired destination by the passenger's desired route.
2 The information must include, without limitation, sufficient information for the
3 passenger to:

4 ~~— (1) Select the shortest route by time or distance to the passenger's desired~~
5 ~~destination;~~

6 ~~— (2) Select a multi-segment trip directed by the passenger;~~

7 ~~— (3) Select the least expensive route to the passenger's desired destination;~~
8 ~~and~~

9 ~~— (4) Make a digital record of the passenger's selection that is accessible~~
10 ~~during and after the trip by the passenger, the Taxicab Authority, the driver and the~~
11 ~~certificate holder.~~

12 ~~— (g) The system must be capable of presenting to the driver, through an~~
13 ~~application on a mobile device or an interactive, digital display or other onboard~~
14 ~~system in the taxicab, sufficient information for the driver to:~~

15 ~~— (1) Determine the shortest route by time or distance to the passenger's~~
16 ~~desired destination and the least expensive route to the passenger's desired~~
17 ~~destination;~~

18 ~~— (2) Follow a multi-segment, passenger-directed trip by the least expensive~~
19 ~~route to the passenger's desired destination; and~~

20 ~~— (3) Allow the passenger to make a digital record of a selection of a desired~~
21 ~~route to the passenger's destination that is accessible during and after the trip by the~~
22 ~~passenger, the Taxicab Authority, the driver and the certificate holder.~~

23 ~~— (h) The system must be capable of allowing passengers to register comments~~
24 ~~and complaints with the Taxicab Authority, the driver and the certificate holder,~~
25 ~~through an application on a mobile device or an interactive digital display screen or~~
26 ~~other onboard system in the taxicab.~~

27 ~~— (i) The system must be capable of assisting the Taxicab Authority in the~~
28 ~~development of additional preventive measures to detect, investigate and deter the~~
29 ~~practice of transporting a passenger to a selected destination by a route that is more~~
30 ~~expensive than necessary under the circumstances of the trip.~~

31 ~~— (j) The system must be capable of providing to the Taxicab Authority reliable~~
32 ~~real time and historic information concerning service demands, market data,~~
33 ~~vehicle usage, wait times and customer complaints and comments for use by the~~
34 ~~Taxicab Authority to make decisions concerning the allocation of medallions~~
35 ~~pursuant to NRS 706.88237, 706.8824 and 706.88245.~~

36 ~~— (k) The system must be capable of allowing certificate holders to use the~~
37 ~~system to provide cooperative dispatch and electronic hailing services to the public~~
38 ~~pursuant to NRS 706.88184.~~

39 ~~— 5. The Taxicab Authority shall not use the information and data collected~~
40 ~~pursuant to paragraph (a) or (b) of subsection 4 for any purpose other than the~~
41 ~~purposes set forth in those paragraphs unless the Authority has adopted regulations~~
42 ~~governing the additional use.~~

43 ~~— 6. The Taxicab Authority may operate the computerized real-time data system~~
44 ~~implemented pursuant to subsection 4 or enter into an agreement for the provision~~
45 ~~of such service. If the Taxicab Authority enters into such an agreement, the Taxicab~~
46 ~~Authority shall ensure that all the information and data collected by the~~
47 ~~computerized real-time data system is under the control of the Taxicab Authority.~~

48 ~~— 7.} 5. Any balance remaining in the Fund does not revert to the State General~~
49 ~~Fund. The Administrator may transfer to the Aging and Disability Services~~
50 ~~Division of the Department of Health and Human Services any balance over~~
51 ~~\$200,000 and any interest earned on the Fund, within the limits of legislative~~
52 ~~authorization for each fiscal year, to subsidize transportation for elderly persons and~~
53 ~~persons with permanent disabilities in taxicabs. The money transferred to the Aging~~

and Disability Services Division must be administered in accordance with regulations adopted by the Administrator of the Aging and Disability Services Division pursuant to NRS 427A.070.

~~6.~~ **6.** The Administrator may establish an account for petty cash not to exceed \$2,000 for the support of undercover investigation and if the account is created, the Administrator shall reimburse the account from the Taxicab Authority Fund in the same manner as other claims against the State are paid.

~~9. As used in this section, "real time" means the transmission of information at a rate no longer than once every 6 seconds, unless the Taxicab Authority authorizes a longer rate while a taxicab is experiencing a low volume of trips.~~

Sec. 6. NRS 706.8833 is hereby amended to read as follows:

706.8833 1. The color scheme ~~and~~ **and** ~~insigne and design of the cruising lights of each taxicab must conform to those approved for~~ **of the taxicabs of each** certificate holder ~~pursuant to regulations of the Taxicab Authority.~~

~~2. Except as otherwise provided in subsection 3, the Taxicab Authority shall approve or disapprove the color scheme, insigne and design of the cruising lights of the taxicabs of a certificate holder in any county, and shall ensure that the color scheme and insigne of one certificate holder are~~ **must be** readily distinguishable from the color schemes and insignia of other certificate holders operating in the same county.

~~3. 2. The Taxicab Authority shall allow a certificate holder in any county to place advertisements on the exterior of the vehicles used as taxicabs in the operations of the certificate holder, provided that the taxicabs of the certificate holder which bear such advertisements are readily distinguishable from the taxicabs of other certificate holders operating in the same county by meeting the requirements of subsection 2 of NRS 706.8835.~~ **placement of the advertisements does not impair the ability of the driver to operate the taxicab safely.**

Sec. 7. NRS 706.8834 is hereby amended to read as follows:

706.8834 1. ~~Except as otherwise provided in subsection 4, if a~~ **A** vehicle acquired for use as a taxicab by a certificate holder ~~pursuant to paragraph (a) of subsection 3 has been~~ **may only be used** in operation as a taxicab for ~~67~~ **120** months ~~based on~~ **after** the date ~~it was originally placed into operation as a taxicab, the certificate holder:~~

~~(a) Shall remove the vehicle from operation as a taxicab; and~~
~~(b) Shall not permit the vehicle to be used as a taxicab in the operations of the certificate holder at any time thereafter.~~ **on which the vehicle was manufactured.**

~~2. Except as otherwise provided in subsection 4, if~~ **If** a vehicle acquired for use as a taxicab by a certificate holder ~~pursuant to paragraph (b) of subsection 3~~ has been in operation as a taxicab for ~~55~~ **120** months ~~based on~~ **after** the date ~~it was originally placed into operation as a taxicab,~~ **on which the vehicle was manufactured,** the certificate holder:

(a) Shall remove the vehicle from operation as a taxicab; and
(b) Shall not permit the vehicle to be used as a taxicab in the operations of the certificate holder at any time thereafter.

~~3. Any vehicle which a certificate holder acquires for use as a taxicab must:~~

~~(a) Be new; or~~

~~(b) Register not more than 30,000 miles on the odometer.~~

~~4. If a hybrid electric vehicle, as defined in 40 C.F.R. § 86.1702-99, is acquired for use as a taxicab by a certificate holder, the period of operation as a taxicab specified in subsections 1 and 2 shall be extended for an additional 24 months for that vehicle.~~

1 **Sec. 8.** NRS 706.8835 is hereby amended to read as follows:

2 706.8835 1. A certificate holder shall display on each of the certificate
3 holder's taxicabs ~~the fare schedule under which it is being operated~~ *a statement*
4 *indicating whether the certificate holder accepts credit cards and debit cards and,*
5 *if so, setting forth the maximum fee a customer will be charged for the*
6 *convenience of using a credit card or debit card pursuant to NRS 706.88355.* The
7 ~~fare schedule~~ statement must be permanently affixed:

8 (a) On the outside of both front doors in bold block letters which are not less
9 than three-fourths of an inch in height; and

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

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

14 **Sec. 9.** NRS 706.8839 is hereby amended to read as follows:

15 706.8839 1. The Administrator ~~may~~ *shall* inspect ~~at least~~ *each* taxicab ~~at any~~
16 ~~reasonable time, but must inspect each taxicab at least~~ *not more than once each*
17 *year.*

18 2. If the Administrator finds that a taxicab is in a condition which violates
19 NRS 706.8837, the Administrator shall remove the vehicle from service, shall place
20 an out-of-service sticker on the windshield and shall notify the certificate holder of
21 the defect. The vehicle shall remain out of service until the defect has been
22 remedied and the Administrator upon reinspection has approved the vehicle and
23 removed the out-of-service sticker.

24 3. If the Administrator finds that a taxicab is in a condition which violates
25 NRS 706.8838, the Administrator shall notify the certificate holder of the improper
26 condition and, after a reasonable time, shall reinspect the vehicle. If upon
27 reinspection the violation has not been corrected, the vehicle shall be removed from
28 service until it is reinspected and approved, as provided in subsection 2.

29 **Sec. 10.** NRS 706.88396 is hereby amended to read as follows:

30 706.88396 1. ~~At~~ *Except as otherwise provided in subsection 8, a*
31 certificate holder may, upon approval from the Taxicab Authority, lease a taxicab to
32 an independent contractor who is not a certificate holder. A certificate holder may
33 lease only one taxicab to each independent contractor with whom the person enters
34 into a lease agreement. The taxicab may be used ~~only in~~ *, without limitation:*

35 (a) *In* a manner authorized by the certificate holder's certificate of public
36 convenience and necessity ~~or~~ *; or*

37 (b) *By the independent contractor to provide transportation services in*
38 *accordance with an agreement with a transportation network company entered*
39 *into pursuant to chapter 706A of NRS.*

40 2. A certificate holder who enters into a lease agreement with an independent
41 contractor pursuant to this section shall submit a copy of the agreement to the
42 Taxicab Authority for its approval. The agreement is not effective until approved
43 by the Taxicab Authority.

44 3. ~~The~~ *Except as otherwise provided in subsection 8, the Taxicab*
45 *Authority may not limit the number of:*

46 (a) *Lease agreements entered into by a certificate holder; or*

47 (b) *Days for which a lease agreement remains in effect.*

48 4. *A certificate holder who leases a taxicab to an independent contractor*
49 *shall inspect the taxicab not less than once each month.*

50 5. *An independent contractor may not operate more than one taxicab*
51 *pursuant to a lease agreement with a certificate holder during any one 24-hour*
52 *period.*

6. 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 or, if applicable, chapter 706A of NRS or the regulations adopted pursuant thereto*, and shall ensure that the independent contractor complies with such provisions and regulations.

~~7. The Taxicab Authority or any of its employees may intervene in a civil action involving a lease agreement entered into pursuant to this section.~~

8. A certificate holder may not have a number of unexpired leases that exceeds the number of taxicabs allocated to the certificate holder pursuant to NRS 706.8824 and 706.88245.

Sec. 11. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver's permit, the Administrator shall:

(a) Require the applicant to submit a complete set of the applicant's fingerprints which the Administrator may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

(1) ~~Has been~~ *Is* a resident of ~~the~~ *this* State ~~for 30 days before the application for a permit,~~ *or a state that adjoins the county in which the applicant has applied for a driver's permit;*

(2) Can read and orally communicate in the English language; and

(3) Has a valid license issued under NRS 483.325 which authorizes the applicant to drive a taxicab in this State.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony relating to the practice of taxicab drivers in this State or any other jurisdiction at any time before the date of the application;

(b) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application;

(c) A violation of NRS 484C.110, 484C.120 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application; or

(d) A violation of NRS 484C.130 or a law of any other jurisdiction that prohibits the same or similar conduct.

3. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A taxicab driver shall pay to the Administrator, in advance, \$40 for an original driver's permit and \$10 for a renewal.

Sec. 12. 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 ~~an~~ *electronic trip sheet which includes an integrated time indicator prescribed by the*

~~Administrator pursuant to subsection 8 or~~ a time clock provided by the certificate holder;

(c) 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~~ Except as otherwise provided in subsection 5, the time at which the driver ended the period of duty by means of ~~an electronic trip sheet which includes an integrated time indicator prescribed by the Administrator pursuant to subsection 8 or~~ a time clock provided by the certificate holder;

(b) 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 driver is not required to record on the driver's trip sheet the time at which the driver ended the period of duty if:

(a) The certificate holder uses an operating system which records the time the driver ends the period of duty electronically; and

(b) The time entries recorded by the operating system are available to the Taxicab Authority if requested pursuant to an audit.

6. 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.

~~6.7~~ 7. 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.

~~7.7~~ 8. Any driver who maintains a trip sheet in a form less complete than that required by subsection 1 is guilty of a misdemeanor.

~~8.7~~ 9. 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~~ 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.~~

10. As used in this section, "time clock" means a mechanism which records the time at which a driver begins or ends, as applicable, a period of duty by means of:

(a) A manual time stamp on the driver's trip sheet; or

(b) An electronically issued time stamp provided by the operating system of the certificate holder.

Sec. 13. NRS 706.8846 is hereby amended to read as follows:

706.8846 1. With respect to a passenger's destination, ~~+~~ unless a different route is requested or agreed to by the passenger, or a different route has been approved by the Taxicab Authority, a driver shall take the most direct route when transporting a passenger to his or her destination. A driver shall not:

~~1+1~~ (a) Deceive or attempt to deceive any passenger who rides or desires to ride in the driver's taxicab.

~~2+2~~ (b) Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

~~3+3~~ (c) ~~Take~~ *Except as otherwise provided in this subsection, intentionally take* a longer route to the passenger's destination than is necessary ~~. ~~1~~ unless specifically~~

~~(1) Specifically requested so to do by the passenger.~~

~~4.~~

~~(2) The passenger consents to taking such a route after discussing with the driver the distance, time and fare for a longer route compared to the shortest route; or~~

~~(3) The longer route has been approved by the Taxicab Authority.~~

(d) Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

2. The Taxicab Authority may only conduct an investigation for a violation of this section upon receipt of a complaint by a passenger.

Sec. 14. NRS 706A.075 is hereby amended to read as follows:

706A.075 1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.

2. A transportation network company which holds a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 704 of NRS relating to public utilities; and

(b) ~~The~~ *Except as otherwise provided in NRS 706.88396, the* provisions of chapter 706 of NRS,

to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 15. NRS 706A.110 is hereby amended to read as follows:

706A.110 1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. A driver shall not provide transportation services unless the company with which the driver is affiliated holds a valid permit issued by the Authority pursuant to this chapter.

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies and drivers who operate or wish to operate within this State. ~~The~~ *Except as otherwise provided in NRS 706.8818 and 706.88396, the* Authority shall not apply any provision of chapter 706 of NRS to a transportation network company or a driver who operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 16. NRS 706A.130 is hereby amended to read as follows:

706A.130 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to 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.

(c) ~~Does~~ *Except as otherwise provided in NRS 706.88396, does* not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to NRS 706A.120 and meets the requirements for the issuance of a permit.

Sec. 17. ~~[NRS 360.001 is hereby amended to read as follows:
360.001 As used in this title, except as otherwise provided in chapters 360A,~~
~~365, 366, 371 and 372 of NRS and unless the context requires otherwise:~~

1. ~~“Department” means the Department of Taxation.~~

2. ~~“Excise tax” means an indirect tax that a manufacturer, producer, retailer, seller, service provider or wholesaler~~

~~(a) Pays to the State; and~~

~~(b) Except as prohibited in a specific statute, may recover from or shift to a consumer, customer or buyer.~~

3. ~~“Executive Director” means the Executive Director of the Department of Taxation.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[Chapter 372B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~“Contract motor carrier” has the meaning ascribed to it in NRS 706.051.]~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 372B.070 is hereby amended to read as follows:~~

~~372B.070 “Taxpayer” means a:~~

1. Common motor carrier of passengers;

2. ~~Contract motor carrier;~~

3. ~~Taxicab; or~~

~~[3.] 4. Transportation network company.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 372B.010 is hereby amended to read as follows:~~

~~372B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 372B.020 to 372B.090, inclusive, and section 19 of this act have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 21. ~~[NRS 372B.140 is hereby amended to read as follows:~~

~~372B.140 1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on a transportation network company for the use of a digital network or software application service of [a] the 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 Department shall charge and collect from each transportation network company] Each transportation network company shall collect the excise tax from each passenger at the time the passenger pays a fare and remit the excise tax imposed by this subsection [.] to the Department in the manner required by the Department.~~

~~2. The excise tax collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of NRS 372B.170.] (Deleted by amendment.)~~

Sec. 22. ~~[NRS 372B.150 is hereby amended to read as follows:~~

~~372B.150 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 a common motor carrier of passengers or contract motor carrier for the connection, whether by dispatch or other means, made by a common motor carrier of a passenger [to] or passengers or contract motor carrier and a person or operator willing to transport [the] a passenger or group of passengers at the rate of 2 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 Department shall charge and collect from each common motor carrier of passengers.] Each common motor carrier of passengers or contract motor carrier shall collect the excise tax from the passenger or group of passengers at the time the passenger or group of passengers pays a fare and remit the excise tax imposed by this subsection [-] to the Department in the manner required by the Department.~~

~~2. The provisions of subsection 1 do not apply to an airport transfer service [-], charter service by bus or special service provided by a common motor carrier of passengers.~~

~~3. The excise tax collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of NRS 372B.170.~~

~~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.] (Deleted by amendment.)~~

Sec. 23. ~~[NRS 372B.160 is hereby amended to read as follows:~~

~~372B.160 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 a certificate holder for the connection, whether by dispatch or other means, made [by a] between the certificate holder [of a passenger to] and a taxicab willing to transport [the] a passenger or group of passengers at the rate of 2 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 Department shall charge and collect from each certificate holder.] Each certificate holder shall collect the excise tax from the passenger or group of passengers at the time the passenger or group of passengers pays the fare and remit the excise tax imposed by this subsection [-] to the Department in the manner required by the Department.~~

~~2. The excise tax collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of NRS 372B.170.] (Deleted by amendment.)~~

Sec. 24. NRS 427A.070 is hereby amended to read as follows:

427A.070 1. The Administrator shall:

(a) Subject to the approval of the Director, adopt rules and regulations:

(1) Necessary to carry out the purposes of this chapter and chapter 435 of NRS; and

(2) Establishing a program to subsidize the transportation by taxicab of elderly persons and persons with permanent disabilities from money received pursuant to subsection ~~47~~ 5 of NRS 706.8825;

(b) Establish appropriate administrative units within the Division;

(c) Appoint such personnel and prescribe their duties as the Administrator deems necessary for the proper and efficient performance of the functions of the Division;

(d) Prepare and submit to the Governor, through the Director before September 1 of each even-numbered year for the biennium ending June 30 of such year, reports of activities and expenditures and estimates of sums required to carry out the purposes of this chapter and chapter 435 of NRS;

(e) Make certification for disbursement of funds available for carrying out the purposes of this chapter and chapter 435 of NRS; and

(f) Take such other action as may be necessary or appropriate for cooperation with public and private agencies and otherwise to carry out the purposes of this chapter and chapter 435 of NRS.

2. The Administrator may delegate to any officer or employee of the Division such of the powers and duties of the Administrator as the Administrator finds necessary to carry out the purposes of this chapter and chapter 435 of NRS.

Sec. 25. Any regulations adopted by the Taxicab Authority that conflict with the amendatory provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after July 1, 2017.

Sec. 26. NRS 484D.493 and 706.88184 are hereby repealed.

Sec. 27. This act becomes effective on July 1, 2017.

TEXT OF REPEALED SECTIONS

484D.493 Dynamic display: Management system required; exceptions.

1. Except as otherwise provided in subsection 2, a person shall not operate upon the highways of this State any motor vehicle that is equipped with a dynamic display unless:

(a) The motor vehicle is equipped with a display management system which is configured to prevent the image or content displayed on the dynamic display from changing when the motor vehicle is:

(1) Moving;

(2) In a turnout; or

(3) In any other location where changing the image or content displayed on the dynamic display may cause undue distraction to the operators of other vehicles; and

(b) The dynamic display does not project or otherwise show moving images, moving information or other moving content.

2. This section does not prohibit the use of a dynamic display that is operated without a display management system if the dynamic display is being used exclusively for purposes other than advertisement, including, without limitation:

(a) For purposes that are personal and noncommercial in nature;

(b) For purposes of traffic control;

(c) For purposes of law enforcement or emergency response;

(d) As a warning device for a utility or utility vehicle, as described in NRS 484D.465; or

(e) To display the name, route number or destination of a bus or other vehicle of mass transit.

3. As used in this section:

(a) "Display management system" means equipment or software that is designed to operate a dynamic display, including, without limitation, periodically changing the image, information or content being shown on the dynamic display.

(b) "Dynamic display" means equipment which is attached to a motor vehicle and which consists of at least one monitor, screen or viewer that, without limitation:

(1) Is designed to display various images, information or other content, including, without limitation, advertisements, which change periodically;

(2) Is intended to be visible to the drivers of other vehicles on the highway and to persons who are near the highway; and

(3) May be visible to the operator of the motor vehicle.

706.88184 Authority required to authorize use of certain technology by certificate holders and to impose reasonable charge.

1. Upon application by a certificate holder, the Taxicab Authority shall authorize the certificate holder to use the computerized real-time data system for the purposes of offering cooperative dispatch and electronic hailing services for taxicabs to the public.

2. If two or more certificate holders apply to the Taxicab Authority to use the computerized real-time data system for the purposes set forth in subsection 1, the Taxicab Authority must establish, by regulation or order, rules providing for the use of the computerized real-time data system by two or more certificate holders for the purposes set forth in subsection 1.

3. The Taxicab Authority shall:

(a) Authorize the certificate holders who are authorized to use the computerized real-time data system for the purposes set forth in subsection 1 to impose a reasonable charge for the use by a passenger of the computerized real-time data system. The charge:

(1) Must be separate from any other rate, fare or charge for taxicab service;

(2) Is not required to be uniform within a county; and

(3) May be assessed in accordance with a schedule of charges based upon factors approved by the Taxicab Authority.

(b) Establish, by regulation or order, requirements for the publication by certificate holders of the charge or the schedule of charges for the use by a passenger of the computerized real-time data system for the purposes set forth in subsection 1.

4. As used in this section, "computerized real-time data system" means the computerized real-time data system implemented by the Taxicab Authority pursuant to subsection 4 of NRS 706.8825.