

Amendment No. 5

Assembly Amendment to Assembly Bill No. 96 (BDR 58-118)

Proposed by: Assembly Committee on Transportation

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

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

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: 3/30/2017

A.B. No. 96—Revises provisions governing motor carriers. (BDR 58-118)



ASSEMBLY BILL NO. 96—ASSEMBLYMAN ARAUJO

PREFILED FEBRUARY 2, 2017

Referred to Committee on Transportation

SUMMARY—Revises provisions governing motor carriers. (BDR 58-118)

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; expanding the circumstances under which an owner or operator of a motor vehicle that is used for the transportation of passengers or property is not subject to certain provisions governing fully regulated carriers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain common carriers or contract carriers of passengers or household goods are subject to supervision and regulation as fully regulated carriers by the Nevada Transportation Authority. (NRS 706.072, 706.166) An exemption from that supervision and regulation is provided for an owner or operator of a motor vehicle used for the transportation of passengers or property if the owner or operator: (1) holds a nonrestricted license and is a resort hotel; (2) is not in the business of and does not charge a fee for transporting passengers or property; (3) provides transportation only to its customers, guests, casino hosts, key employees, officers and directors; (4) marks the vehicle with the owner's or operator's name or logo; and (5) uses the motor vehicle only in relation to the business of the resort hotel for which the nonrestricted license was issued. The owner or operator is required to inspect the motor vehicle regularly, maintain a record of the inspections for at least 3 years and make the records available for inspection or audit by the Authority or its designee. (NRS 706.741)

This bill expands that exemption to include an owner or operator of a motor vehicle that is used for the transportation of passengers or property if ~~any person who directly or indirectly controls, is controlled by or is under common control with~~ ***an affiliate of*** the owner or operator of the motor vehicle complies with the provisions of existing law governing the exemption. ***An affiliate is defined as a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with the owner or operator.*** This bill also requires such ~~to person~~ ***an affiliate*** to comply with the requirements of existing law relating to inspections of the motor vehicle and the maintenance of records of those inspections.

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

Section 1. NRS 706.741 is hereby amended to read as follows:

706.741 1. An owner or operator of a motor vehicle that is used for the transportation of passengers or property is not subject to the provisions of this chapter governing fully regulated carriers if:

(a) The owner or operator, ~~or any person who directly or indirectly controls, is controlled by or is under common control with~~ an affiliate of the owner or operator, of the motor vehicle:

(1) Holds a nonrestricted license and is a resort hotel;

(2) Is not in the business of transporting passengers or property;

(3) Does not charge a fee for transporting passengers or property;

(4) Provides transportation only to its customers, guests, casino hosts, key employees, officers and directors; and

(5) Marks the vehicle with the ~~owner's or operator's~~ name or logo ~~of the owner or operator, or any person who controls, is controlled by or is under common control with~~ an affiliate of the owner or operator, which must be at least 2 inches in height and be visible from a distance of at least 50 feet; and

(b) The use of the motor vehicle is related to the business of the resort hotel for which the nonrestricted license ~~of the owner or operator, or any person who controls, is controlled by or is under common control with~~ an affiliate of the owner or operator, was issued.

2. ~~The~~ owner or operator, ~~or any person who directly or indirectly controls, is controlled by or is under common control with~~ an affiliate of the owner or operator, of a motor vehicle specified in subsection 1 shall regularly inspect the motor vehicle and maintain a record of the inspection for at least 3 years after the date of the inspection. Each record maintained pursuant to this subsection must be made available for inspection or audit by the Authority or its designee at any time during regular business hours.

3. As used in this section:

(a) ~~"Control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of an owner or operator of a motor vehicle specified in subsection 1 or the power to veto any major policy decision of the owner or operator, whether through the ownership of voting securities, by agreement or otherwise.~~ "Affiliate" has the meaning ascribed to it in NRS 463.0133;

(b) "Nonrestricted license" has the meaning ascribed to it in NRS 463.0177; and

~~(b)~~ (c) "Resort hotel" has the meaning ascribed to it in NRS 463.01865.

Sec. 2. This act becomes effective on July 1, 2017.