

ASSEMBLY BILL NO. 402—ASSEMBLYMEN ASSEFA;  
MONROE-MORENO, NEAL AND TORRES

MARCH 21, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Establishes provisions for the formation of  
transportation workers cooperatives.  
(BDR 58-1053)

FISCAL NOTE: Effect on Local Government: Increases or Newly  
Provides for Term of Imprisonment in County or City  
Jail or Detention Facility.  
Effect on the State: 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 taxicabs; authorizing a transportation workers cooperative to obtain an operating certificate from the Taxicab Authority authorizing members of the cooperative to operate a taxicab in certain circumstances; imposing a fee for such a certificate, and a fee for the operation of a taxicab; authorizing the Authority to regulate such a transportation workers cooperative, its members and the taxicabs of its members; creating a Compliance Enforcement Division in the Department of Business and Industry; authorizing the Division to enforce certain provisions of law relating to motor carriers; exempting certain operators of a taxicab from the imposition and collection of certain excise taxes; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law a person in a county whose population is 700,000 or more  
2 (currently only Clark) to apply to the Taxicab Authority for a certificate of public  
3 convenience and necessity to operate as a taxicab motor carrier. An applicant for  
4 such a certificate must show that the granting of the certificate will not  
5 unreasonably and adversely affect other carriers operating in the same territory.  
6 (NRS 706.8827) If such a certificate is issued, the taxicab motor carrier is subject to  
7 the Taxicab Authority's allocation of the number of taxicabs allowed to operate in



certain circumstances. (NRS 706.88237, 706.8824, 706.88245) A certificate holder must pay the Taxicab Authority an annual fee of \$75 for each taxicab which it operates. (NRS 706.471) The Taxicab Authority is authorized to administer and enforce the provisions of law and regulation governing such taxicab motor carriers in a county whose population is 700,000 or more; in all the other counties of this State that authorization is with the Nevada Transportation Authority. (NRS 706.151, 706.881)

**Sections 14 and 15** of this bill authorize a transportation workers cooperative to obtain from the Taxicab Authority an operating certificate that allows those members of the cooperative who meet certain requirements to operate a taxicab in a county whose population is 700,000 or more. **Section 14** of this bill requires such a taxicab operator to possess a driver's license, a driver's card issued by the Taxicab Authority, a medical certificate, a state business license and a vehicle which meets certain standards for operation as a taxicab. Such a taxicab operator must pay to the transportation workers cooperative of which he or she is a member a monthly fee of \$250, which the cooperative must remit to the Taxicab Authority. **Sections 16 to 35** of this bill impose additional duties, restrictions and requirements on the Taxicab Authority, transportation workers cooperatives and members of the cooperative who operate taxicabs, but there is: (1) no requirement for a showing that operation of the taxicabs will not unreasonably and adversely affect other carriers; and (2) no authorization for the allocation of taxicabs by the Taxicab Authority. **Section 34** of this bill makes a violation of the new provisions a misdemeanor, and authorizes the Taxicab Authority to impose certain fines and other penalties.

**Section 10** of this bill requires the Taxicab Authority to administer the provisions of law and regulation relating to the operation of taxicabs by members of a transportation workers cooperative, and requires the Compliance Enforcement Division of the Department of Business and Industry, newly created in **section 95** of this bill, to enforce those provisions. **Sections 74 to 86** of this bill make conforming changes. **Section 46** gives the Division enforcement authority over motor carriers regulated by the Nevada Transportation Authority, and **sections 36 to 73, 88 and 89** of this bill make conforming changes. **Sections 93 to 96** of this bill provide the requirements for the organization of the Compliance Enforcement Division, and **section 99** of this bill provides that certain investigators of the Division must be category II peace officers. **Sections 90 and 91** of this bill add a reference to the members of a transportation workers cooperative who are operating a taxicab to the provisions of certain crimes for which an enhanced penalty is provided if the victim of the crime is a taxicab driver. (NRS 200.471, 200.481)

Existing law imposes a 3 percent excise tax on the total fare charged for the transportation of a passenger by a taxicab. (NRS 372B.160) **Section 100** of this bill exempts from the imposition and collection of such an excise tax a taxicab being operated under the operating certificate of a transportation workers cooperative.

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

**Section 1.** Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 35, inclusive, of this act.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act, have the meanings ascribed to them in those sections.*



1     **Sec. 3.** *“Administrator” means the Taxicab Administrator*  
2 *appointed pursuant to NRS 706.882, or any authorized agent of*  
3 *the Taxicab Administrator.*

4     **Sec. 4.** *“Compliance Enforcement Division” means the*  
5 *Compliance Enforcement Division in the Department of Business*  
6 *and Industry or a person employed by the Division whose duties*  
7 *include enforcing the provisions of this chapter.*

8     **Sec. 5.** *“Driver” means a member of a transportation*  
9 *workers cooperative who operate a taxicab pursuant to this*  
10 *chapter.*

11     **Sec. 6.** *“Taxicab” means a vehicle which is not operated over*  
12 *a fixed route, is designed or constructed to accommodate and*  
13 *transport not more than six passengers, including the driver, and:*

14         1. *Is used in the transportation of passengers or light express,*  
15 *or both, for which a charge or fee is received;*

16         2. *Uses some device, method or system to indicate and*  
17 *determine the passenger fare charged for the distance traveled;*

18         3. *Operates under the authority of an operating certificate*  
19 *issued to a transportation workers cooperative pursuant to section*  
20 *15 of this act; and*

21         4. *Is operated in a service which is held out to the public as*  
22 *being available for the transportation of passengers from place to*  
23 *place in the State of Nevada.*

24     **Sec. 7.** *“Taxicab Authority” means the Taxicab Authority*  
25 *created in NRS 706.8818.*

26     **Sec. 8.** *“Transportation workers cooperative” means an*  
27 *entity formed pursuant to section 14 of this act.*

28     **Sec. 9.** *The provisions of this chapter apply to any county*  
29 *whose population is 700,000 or more.*

30     **Sec. 10.** 1. *Except as otherwise provided in this section, the*  
31 *Taxicab Authority shall administer the provisions of this chapter*  
32 *and exercise its regulatory authority as provided in this chapter.*

33         2. *The Compliance Enforcement Division shall enforce the*  
34 *provisions of this chapter, including, without limitation,*  
35 *conducting inspections, investigations and audits as authorized in*  
36 *this chapter.*

37         3. *Local law enforcement agencies and the Nevada Highway*  
38 *Patrol, upon request of the Compliance Enforcement Division,*  
39 *may assist in enforcing the provisions of this chapter and any*  
40 *regulations adopted pursuant thereto.*

41     **Sec. 11.** 1. *When the Taxicab Authority or the Compliance*  
42 *Enforcement Division have reason to believe that any provision of*  
43 *this chapter is being violated, the Compliance Enforcement*  
44 *Division shall investigate the alleged violation and make a report*  
45 *to the Taxicab Authority. After a hearing, the Taxicab Authority*



1 *may issue an order requiring that the transportation workers*  
2 *cooperative or member cease and desist from any action that is in*  
3 *violation of this chapter.*

4 *2. The Taxicab Authority shall conduct hearings and make*  
5 *final decisions in the following matters:*

6 *(a) Applications for an operating certificate or a driver's*  
7 *permit; and*

8 *(b) Appeals from final decisions of the Administrator made*  
9 *pursuant to this chapter.*

10 *3. Any final decision of the Taxicab Authority pursuant to*  
11 *this section is subject to judicial review pursuant to*  
12 *NRS 233B.130.*

13 *Sec. 12. 1. When a complaint against a transportation*  
14 *workers cooperative or a taxicab driver operating pursuant to this*  
15 *chapter is received by the Taxicab Authority, the Compliance*  
16 *Enforcement Division or the Administrator, the Compliance*  
17 *Enforcement Division shall investigate the complaint and report to*  
18 *the Administrator.*

19 *2. The Administrator shall conduct administrative hearings*  
20 *and make final decisions, subject to appeal by any aggrieved party*  
21 *to the Taxicab Authority, on any such complaints.*

22 *Sec. 13. 1. Whenever the Taxicab Authority or the*  
23 *Administrator is authorized or required by law to conduct a*  
24 *hearing, the Administrator may issue subpoenas requiring the*  
25 *attendance of witnesses before the Authority or the Administrator,*  
26 *respectively, together with all books, memoranda, papers and*  
27 *other documents relative to the matters for which the hearing is*  
28 *called and take depositions within or without the State, as the*  
29 *circumstances of the case may require.*

30 *2. The district court in and for the county in which any*  
31 *hearing is being conducted may compel the attendance of*  
32 *witnesses, the giving of testimony and the production of books and*  
33 *papers as required by any subpoena issued by the Administrator.*

34 *3. In case of the refusal of any witness to attend or testify or*  
35 *produce any papers required by the subpoena, the Administrator*  
36 *may report to the district court in and for the county in which the*  
37 *hearing is pending by petition, setting forth:*

38 *(a) That due notice has been given of the time and place of*  
39 *attendance of the witness or the production of the books and*  
40 *papers;*

41 *(b) That the witness has been subpoenaed in the manner*  
42 *prescribed in this section; and*

43 *(c) That the witness has failed and refused to attend or*  
44 *produce the papers required by subpoena before the Taxicab*  
45 *Authority or the Administrator in the hearing named in the*



1 subpoena, or has refused to answer questions propounded to the  
2 witness in the course of the hearing,

3 ➡ and asking an order of the court compelling the witness to  
4 attend and testify or produce the books or papers before the  
5 Authority or the Administrator.

6 4. The court, upon petition of the Administrator, shall enter  
7 an order directing the witness to appear before the court at a time  
8 and place to be fixed by the court in the order, the time to be not  
9 more than 10 days from the date of the order, and then and there  
10 show cause why the witness has not attended or testified or  
11 produced the books or papers. A certified copy of the order must  
12 be served upon the witness. If it appears to the court that the  
13 subpoena was regularly issued by the Administrator, the court may  
14 thereupon enter an order that the witness appear before the  
15 Authority or the Administrator at the time and place fixed in the  
16 order and testify or produce the required books or papers, and  
17 upon failure to obey the order the witness must be dealt with as for  
18 contempt of court.

19 **Sec. 14. 1. To be eligible for an operating permit issued by**  
20 **the Taxicab Authority authorizing its members to operate taxicabs,**  
21 **a transportation workers cooperative must:**

22 (a) **Be organized as a business entity that:**

23 (1) **Is registered with the Secretary of State; and**

24 (2) **Holds a valid state business license pursuant to chapter**  
25 **76 of NRS, if applicable.**

26 (b) **Operate under articles of incorporation.**

27 (c) **Have a written constitution or bylaws which, without**  
28 **limitation:**

29 (1) **Prescribe the responsibilities for the operation of the**  
30 **transportation workers cooperative, including, without limitation,**  
31 **duties imposed by title 7, this chapter and chapter 76 of NRS; and**

32 (2) **Define the qualifications for membership in the**  
33 **transportation workers cooperative and the criteria for the**  
34 **suspension or cessation of membership in the transportation**  
35 **workers cooperative.**

36 (d) **Have not less than 300 members, each of whom must**  
37 **provide proof satisfactory to the transportation workers**  
38 **cooperative that the member:**

39 (1) **Owens a vehicle that meets the requirements of this**  
40 **chapter;**

41 (2) **Holds a driver's permit issued pursuant to section 17 of**  
42 **this act;**

43 (3) **Possesses a medical examiner's certificate obtained**  
44 **pursuant to section 20 of this act; and**



(4) *Has a valid state business license pursuant to chapter 76 of NRS.*

(e) *Possess and maintain insurance coverage for every vehicle owned by a member of the transportation workers cooperative intended for use as a taxicab that meets the requirements of section 27 of this act.*

(f) *Collect from each member of the transportation workers cooperative a monthly fee of \$250 for the privilege of operating a taxicab under the authority of the operating certificate of the transportation workers cooperative. The transportation workers cooperative shall remit this fee not less than quarterly to the Taxicab Authority.*

2. *A transportation workers cooperative may authorize its members to operate taxicabs on the highways of this State if the transportation workers cooperative has obtained an operating certificate pursuant to section 15 of this act from the Taxicab Authority.*

**Sec. 15.** 1. *A transportation workers cooperative may apply to the Taxicab Authority for an operating certificate on a form prescribed by the Taxicab Authority, accompanied by an application fee of \$250.*

2. *The Taxicab Authority shall issue the operating certificate if it finds that the applicant meets the requirements of section 14 of this act.*

3. *Upon issuing an operating certificate pursuant to this section, the Taxicab Authority shall issue to the transportation workers cooperative a uniquely numbered decal for each vehicle owned by a member of the transportation workers cooperative that will be used as a taxicab. Such a decal is not transferrable.*

4. *An operating certificate issued pursuant to this section is not transferrable.*

5. *A transportation workers cooperative may apply to the Taxicab Authority for additional decals for any additional vehicles owned by a member of the transportation workers cooperative that will be used as a taxicab.*

6. *A transportation workers cooperative must notify the Taxicab Authority as soon as practicable of any decal that was issued for a vehicle that is no longer in use as a taxicab.*

**Sec. 16.** 1. *All money collected by the Taxicab Authority pursuant to this chapter must be deposited with the State Treasurer to the credit of the State General Fund.*

2. *Money for the administration of the provisions of this chapter must be provided by direct legislative appropriation from the State General Fund or other legislative authorization upon the presentation of budgets in the manner required by law.*



1       **Sec. 17. 1. The Administrator shall issue a driver's permit**  
2 **to qualified persons who wish to operate as taxicab drivers**  
3 **pursuant to this chapter. Before issuing a driver's permit, the**  
4 **Administrator shall:**

5       **(a) Require the applicant to submit a complete set of the**  
6 **applicant's fingerprints which the Administrator may forward to**  
7 **the Central Repository for Nevada Records of Criminal History**  
8 **for submission to the Federal Bureau of Investigation to ascertain**  
9 **whether the applicant has a criminal record and the nature of any**  
10 **such record, and shall direct the Compliance Enforcement**  
11 **Division to further investigate the applicant's background; and**

12       **(b) Require proof that the applicant:**

13               **(1) Is a resident of this State or a state that adjoins the**  
14 **county in which the applicant has applied for a driver's permit;**

15               **(2) Is a member of a transportation workers cooperative;**

16               **(3) Can read and orally communicate in the English**  
17 **language; and**

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

20       **2. The Administrator may refuse to issue a driver's permit if**  
21 **the Compliance Enforcement Division notifies the Administrator**  
22 **that the applicant has been convicted of:**

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

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

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

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

33       **3. The Administrator may refuse to issue a driver's permit if**  
34 **the Compliance Enforcement Division, after the background**  
35 **investigation of the applicant, notifies the Administrator that the**  
36 **Division has determined that the applicant is morally unfit or if**  
37 **the issuance of the driver's permit would be detrimental to public**  
38 **health, welfare or safety.**

39       **4. An applicant shall pay to the Administrator, in advance,**  
40 **\$40 for an original driver's permit and thereafter \$10 for a**  
41 **renewal.**

42       **Sec. 18. 1. In addition to any other requirements set forth**  
43 **in this chapter, an applicant for the issuance or renewal of a**  
44 **driver's permit pursuant to section 17 of this act shall:**





(a) Include the social security number of the applicant in the application submitted to the Authority.

(b) Submit to the Administrator the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Administrator shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the driver's permit; or

(b) A separate form prescribed by the Administrator.

3. A driver's permit may not be issued or renewed by the Administrator if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Administrator shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

**Sec. 19. 1.** If the Administrator receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a driver's permit, the Administrator shall deem the driver's permit issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Administrator receives a letter issued to the holder of the driver's permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the driver's permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Administrator shall reinstate a driver's permit that has been suspended by a district court pursuant to NRS 425.540 if the Administrator receives a letter issued by the district attorney or



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1 *other public agency pursuant to NRS 425.550 to the person whose*  
2 *driver's permit was suspended stating that the person whose*  
3 *driver's permit was suspended has complied with the subpoena or*  
4 *warrant or has satisfied the arrearage pursuant to NRS 425.560.*

5 **Sec. 20.** 1. *Before a person may operate a taxicab pursuant*  
6 *to this chapter, the member must obtain a medical examiner's*  
7 *certificate with two copies thereof from a medical examiner who is*  
8 *licensed to practice in the State of Nevada.*

9 2. *A medical examiner shall issue the certificate and copies*  
10 *described in subsection 1 if the medical examiner finds that a*  
11 *prospective driver meets the health requirements established by the*  
12 *Federal Motor Carrier Safety Regulations, 49 C.F.R. §§ 391.41 et*  
13 *seq.*

14 3. *The certificate described in subsection 1 must state that the*  
15 *medical examiner has examined the prospective driver and has*  
16 *found that the prospective driver meets the health requirements*  
17 *described in subsection 2. The certificate must be signed and dated*  
18 *by the medical examiner.*

19 4. *The medical examiner's certificate required by this section*  
20 *expires 2 years after the date of issuance and may be renewed.*

21 5. *As used in this section, "medical examiner" means a*  
22 *physician, as defined in NRS 0.040, an advanced practice*  
23 *registered nurse licensed pursuant to NRS 632.237 or a*  
24 *chiropractic physician licensed pursuant to chapter 634 of NRS.*

25 **Sec. 21.** 1. *A taxicab operating pursuant to this chapter*  
26 *must display:*

27 (a) *The decal issued by the Taxicab Authority pursuant to*  
28 *section 15 of this act on the lower passenger side of the*  
29 *windshield; and*

30 (b) *Prominently the name of the transportation workers*  
31 *cooperative that holds the operating certificate that authorizes the*  
32 *taxicab to operate.*

33 2. *A driver operating a taxicab pursuant to this chapter must*  
34 *possess in the taxicab or on his or her person:*

35 (a) *A valid driver's license for the State of Nevada obtained*  
36 *under the provisions of NRS 483.010 to 483.630, inclusive;*

37 (b) *A copy of a medical examiner's certificate obtained*  
38 *pursuant to section 20 of this act; and*

39 (c) *A driver's permit issued by the Administrator pursuant to*  
40 *section 17 of this act.*

41 **Sec. 22.** *A driver who operates a taxicab pursuant to this*  
42 *chapter shall not act as a driver as defined in NRS 706A.040*  
43 *during any time that the driver is operating under the authority of*  
44 *the operating certificate of the transportation workers cooperative.*



1     **Sec. 23.** *While operating a taxicab pursuant to this chapter,*  
2 *the driver shall:*

3     1. *Be appropriately dressed by the standards of the taxicab*  
4 *business.*

5     2. *Be neat and clean in person and appearance.*

6     3. *Refrain from talking loudly, uttering profanity and from*  
7 *shouting to other drivers.*

8     4. *Not have in the driver's possession a lighted cigar,*  
9 *cigarette or pipe while a passenger is being carried in the taxicab.*

10    5. *Not chew tobacco or use snuff while a passenger is being*  
11 *carried in the taxicab.*

12    6. *Attend the taxicab if it is being held out for hire.*

13    7. *Not permit the taxicab to remain at a taxicab stand unless*  
14 *it is being held out for hire.*

15    8. *Discourage passengers from entering or leaving a taxicab*  
16 *from the left side except at the left curb of a one-way street or*  
17 *while the car is parked perpendicularly to a curb.*

18    9. *Not load or unload passengers or luggage at an*  
19 *intersection or crosswalk or at any place or in any manner that*  
20 *will interfere with the orderly flow of traffic.*

21    10. *Not carry more than two passengers in the front seat of*  
22 *the taxicab or carry more passengers in the back seat of the*  
23 *taxicab than are authorized by the manufacturer's*  
24 *recommendations.*

25    11. *Not leave the taxicab unattended with the key in the*  
26 *ignition lock.*

27    12. *Operate the taxicab in accordance with all applicable*  
28 *state and local laws and regulations and with due regard for the*  
29 *safety, comfort and convenience of passengers and of the general*  
30 *public.*

31     **Sec. 24.** 1. *If a driver violates any provision of sections 17*  
32 *to 23, inclusive, of this act, the Administrator may impose the*  
33 *following sanctions:*

34     (a) *First offense: Warning notice or a fine of not more than*  
35 *\$100, or both warning and fine.*

36     (b) *Second offense: 1 to 3 days' suspension of a driver's permit*  
37 *or a fine of not more than \$200, or both suspension and fine.*

38     (c) *Third offense: 4 to 6 days' suspension of a driver's permit*  
39 *or a fine of not more than \$300, or both suspension and fine.*

40     (d) *Fourth offense: 10 days' suspension of a driver's permit or*  
41 *a fine of not more than \$500, or both suspension and fine.*

42     (e) *Fifth offense: Revocation of a driver's permit or a fine of*  
43 *not more than \$500, or both revocation and fine.*

44    2. *Only violations occurring in the 12 months immediately*  
45 *preceding the most current violation shall be considered for the*



1 *purposes of subsection 1. The Administrator shall inspect the*  
2 *driver's record for that period to compute the number of offenses*  
3 *committed.*

4 *3. The Administrator shall conduct a hearing prior to*  
5 *suspension or revocation of a driver's permit or imposing a fine*  
6 *under this section or section 25 of this act.*

7 *Sec. 25. 1. A taxicab driver operating pursuant to this*  
8 *chapter shall:*

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

12 *(b) Not use or consume controlled substances or dangerous*  
13 *drugs which impair the ability of a person to operate a motor*  
14 *vehicle at any time, or use or consume any other controlled*  
15 *substances or dangerous drugs at any time except in accordance*  
16 *with a lawfully issued prescription.*

17 *(c) Not operate a taxicab without a valid driver's permit issued*  
18 *pursuant to section 17 of this act and a valid driver's license*  
19 *issued pursuant to NRS 483.325 in the driver's possession.*

20 *2. If a driver violates any provision of subsection 1, the*  
21 *Administrator may, after a hearing, impose the following*  
22 *sanctions:*

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

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

29 *(c) For a third offense, a fine of not more than \$500.*

30 *3. Only violations occurring in the 12 months immediately*  
31 *preceding the most current violation may be considered for the*  
32 *purposes of subsection 2. The Administrator shall inspect the*  
33 *record of the driver for that period to compute the number of*  
34 *offenses committed.*

35 *Sec. 26. 1. A transportation workers cooperative may use a*  
36 *telephone service, a digital network or a software application*  
37 *service to dispatch taxicabs of members or electronically connect a*  
38 *passenger to a member of the transportation workers cooperative*  
39 *operating a taxicab pursuant to this chapter.*

40 *2. A driver operating a taxicabs pursuant to this chapter may*  
41 *use a digital network or software application service provided by*  
42 *the transportation workers cooperative of which the driver is a*  
43 *member to connect with a passenger.*

44 *3. A driver operating a taxicabs pursuant to this chapter may*  
45 *pick up passengers at taxicabs stands and any other places where*



*taxicabs operating pursuant to chapter 706 of NRS are authorized to pick up passengers.*

**Sec. 27.** *1. Except as otherwise provided in subsection 4, a transportation workers cooperative shall file with the Administrator, and keep in effect at all times, a policy of insurance with an insurance company licensed to do business in the State of Nevada.*

*2. The insurance policy specified in subsection 1 must:*

*(a) Provide the following coverage for the vehicle of each member of the transportation workers cooperative, when the vehicle is being used as a taxicab:*

*(1) For injury to one person in any one crash, \$100,000;*

*(2) For injury to two or more persons in any one crash, \$300,000; and*

*(3) For property damage in any one crash, \$10,000;*

*(b) Contain a clause which states substantially that the insurance carrier may only cancel the policy upon 30 days' written notice to the transportation workers cooperative and Administrator; and*

*(c) Contain such other provisions concerning notice as may be required by law to be given to the transportation workers cooperative.*

*3. If an insurance policy is cancelled, the transportation workers cooperative shall not allow or cause to be operated any taxicab that was covered by the policy until other insurance is furnished.*

*4. A transportation workers cooperative to whom the Department of Motor Vehicles has issued a certificate of self-insurance may self-insure the coverage required by subsection 2.*

**Sec. 28.** *A transportation workers cooperative shall not permit a taxicab to be operated in passenger service unless the vehicle has been inspected by the Compliance Enforcement Division to verify that it meets all of the following standards:*

*1. The steering mechanism is in good mechanical working order.*

*2. The vehicle does not have any apparent loose knuckles, bolts or gear trains.*

*3. The door hinges and latches are in good mechanical working order and all doors operate easily and close securely.*

*4. Interior or exterior advertising does not obscure the driver's view in any direction.*

*5. The windows are clear and free from cracks or chips in excess of 3 inches in length and are composed of approved, nonshatterable safety glass.*



6. The brakes are in good mechanical working order and when pressed are not less than 1 3/4 inches from the floorboard.

7. The exhaust system, gaskets, tailpipes and mufflers are in good condition and exhaust fumes do not penetrate the interior of the vehicle.

8. The vehicle is equipped with four adequate and safe tires. Recapped tires may be used. regrooved tires may not be used.

9. The speedometer is properly installed, maintained in good working order and exposed to view.

10. The interior of the vehicle is clean, free from torn upholstery and from damaged or broken seats.

11. The headlights, taillights, stoplights and turn signals are in good mechanical working order.

12. The horn and two windshield wipers are in good mechanical working order.

13. The taximeter is working properly, is not disconnected and has its covers and gears intact.

14. An air pollution control system is functioning in accordance with federal, state and local laws which were applicable to the type of vehicle at the time of its manufacture.

**Sec. 29.** A transportation workers cooperative shall not permit a taxicab to be operated in passenger service for a period of more than 24 hours unless it meets all of the following standards:

1. The vehicle is structurally sound and operates with a minimum of noise and vibration.

2. The vehicle does not have cracked, broken or badly dented fenders and is painted so as to provide reasonable protection against structural deterioration.

3. The vehicle does not have shades or curtains which can be manipulated to shield the occupants or driver from exterior observation or to obstruct vision through the rearview windows.

4. The vehicle is washed once a week, the interior is swept, dusted and vacuumed once a day and the vehicle is in a clean and sanitary condition.

5. The floor mat is made of rubber or a similar nonabsorbent, washable material, is easily removable and is not torn.

**Sec. 30. 1.** A vehicle used as a taxicab by a member of a transportation workers cooperative may only be used in operation as a taxicab for 120 months after the date on which the vehicle was manufactured.

2. If a vehicle acquired for use as a taxicab by a member of a transportation workers cooperative has been in operation as a taxicab for 120 months after the date on which the vehicle was manufactured, the transportation workers cooperative:

(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 transportation workers cooperative at any time thereafter.

**Sec. 31. 1. The Compliance Enforcement Division shall inspect each taxicab not more than once each year.**

2. If the Compliance Enforcement Division finds that a taxicab is in a condition which violates section 28 of this act, the Division shall remove the vehicle from service, shall place an out-of-service sticker on the windshield and shall notify the transportation workers cooperative of the defect. The vehicle shall remain out of service until the defect has been remedied and the Division, upon reinspection, has approved the vehicle and removed the out-of-service sticker.

3. If the Compliance Enforcement Division finds that a taxicab is in a condition which violates section 29 of this act, the Division shall notify the transportation workers cooperative of the improper condition and, after a reasonable time, shall reinspect the vehicle. If upon reinspection the violation has not been corrected, the vehicle shall be removed from service until it is reinspected and approved, as provided in subsection 2.

**Sec. 32. 1. A vehicle used as a taxicab pursuant to this chapter must be impounded by the Compliance Enforcement Division on behalf of the Administrator if an operating certificate has not been issued authorizing its operation. A hearing must be held by the Administrator no later than the conclusion of the second normal business day after impoundment, weekends and holidays excluded. As soon as practicable after impoundment, the Administrator shall notify the registered owner of the vehicle:**

(a) That the registered owner of the vehicle must post a bond in the amount of \$20,000 to ensure the registered owner's presence at all proceedings held pursuant to this section;

(b) Of the time set for the hearing; and

(c) Of the registered owner's right to be represented by counsel during all phases of the proceedings.

2. The Administrator shall hold the vehicle until the registered owner of the vehicle appears and:

(a) Proves that the person is the registered owner of the vehicle;

(b) Proves that the person is a member in good standing of a transportation workers cooperative that holds a valid certificate of operation;

(c) Proves that the vehicle meets all required standards of the Authority and this chapter; and

(d) Posts a bond in the amount of \$20,000 with the Administrator.



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1    ➤ *The Administrator shall return the vehicle to its registered*  
2 *owner when the owner meets the requirements of this subsection*  
3 *and pays all costs of impoundment.*

4    3. *If the registered owner is unable to meet the requirements*  
5 *of paragraph (b) or (c) of subsection 2, the Administrator may*  
6 *assess an administrative fine against the registered owner for each*  
7 *such violation in the amount of \$5,000. The maximum amount of*  
8 *the administrative fine that may be assessed against a registered*  
9 *owner for a single impoundment of the registered owner's vehicle*  
10 *pursuant to this section is \$10,000. The Administrator shall return*  
11 *the vehicle after any administrative fine imposed pursuant to this*  
12 *subsection and all costs of impoundment have been paid.*

13    **Sec. 33.** 1. *A transportation workers cooperative shall*  
14 *maintain a uniform system of accounts in which all business*  
15 *transacted by the transportation workers cooperative is recorded.*  
16 *The accounts must be:*

17        (a) *Kept in a form prescribed by the Taxicab Authority;*

18        (b) *Before May 15 of each year, be submitted to the Taxicab*  
19 *Authority in an annual report in the form and detail prescribed by*  
20 *the Taxicab Authority;*

21        (c) *Retained for a period of 3 years after their receipt back*  
22 *from the Taxicab Authority; and*

23        (d) *Supplemented with such additional information as the*  
24 *Taxicab Authority may require.*

25    2. *A transportation workers cooperative shall maintain:*

26        (a) *A record of the make and serial number of each vehicle for*  
27 *which a decal has been issued by the Taxicab Authority pursuant*  
28 *to section 15 of this act; and*

29        (b) *A copy of the medical certificates of each of the certificate*  
30 *holder's drivers.*

31    3. *The records of a transportation workers cooperative shall*  
32 *be open for inspection by the Compliance Enforcement Division at*  
33 *any reasonable time.*

34    4. *If the Compliance Enforcement Division reports to the*  
35 *Administrator that a transportation workers cooperative has failed*  
36 *to comply with any provision of this section in a timely manner,*  
37 *the Administrator, after hearing, may impose a fine of not more*  
38 *than \$1,000, commence proceedings to suspend or revoke the*  
39 *operating certificate of the transportation workers cooperative, or*  
40 *both impose a fine and commence such proceedings.*

41    **Sec. 34.** 1. *Any person who knowingly makes or causes to*  
42 *be made, either directly or indirectly, a false statement on an*  
43 *application, account or other statement required by the Taxicab*  
44 *Authority or the Administrator or who violates any of the*  
45 *provisions of this chapter is guilty of a misdemeanor.*





2. The Taxicab Authority or Administrator may at any time, for good cause shown and upon at least 5 days' notice to the grantee of an operating certificate or driver's permit, and after a hearing unless waived by the grantee, penalize the grantee of an operating certificate to a maximum amount of \$15,000 or penalize the grantee of a driver's permit to a maximum amount of \$500 or suspend or revoke the operating certificate or driver's permit granted by the Taxicab Authority or Administrator, respectively, for:

(a) Any violation of any provision of this chapter or any regulation of the Taxicab Authority or Administrator.

(b) Knowingly permitting or requiring any employee to violate any provision of this chapter or any regulation of the Taxicab Authority or Administrator.

➤ If a penalty is imposed on the grantee of an operating certificate pursuant to this section, the Taxicab Authority or Administrator may require the grantee to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. When a driver or operating certificate holder fails to appear at the time and place stated in the notice for the hearing, the Administrator shall enter a finding of default. Upon a finding of default, the Administrator may suspend or revoke the permit or operating certificate of the person who failed to appear and impose the penalties provided in this chapter. For good cause shown, the Administrator may set aside a finding of default and proceed with the hearing.

4. Except as otherwise provided in NRS 706.885, any person who operates or permits a taxicab to be operated in passenger service without an operating certificate issued pursuant to section 15 of this act is guilty of a gross misdemeanor. If a law enforcement officer witnesses a violation of this subsection, the law enforcement officer may cause the vehicle to be towed immediately from the scene.

5. The conviction of a person pursuant to subsection 1 does not bar the Taxicab Authority or Administrator from suspending or revoking an operating certificate or permit of the person convicted. The imposition of a fine or suspension or revocation of an operating certificate or permit by the Taxicab Authority or Administrator does not operate as a defense in any proceeding brought under subsection 1.

**Sec. 35.** The Taxicab Authority, in consultation with the Compliance Enforcement Division, shall adopt such regulations as are necessary to carry out the provisions of this chapter.



1     **Sec. 36.** Chapter 706 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3     ***“Compliance Enforcement Division” means the Compliance***  
4 ***Enforcement Division of the Department of Business and***  
5 ***Industry.***

6     **Sec. 37.** NRS 706.011 is hereby amended to read as follows:

7     706.011 As used in NRS 706.011 to 706.791, inclusive, ***and***  
8 ***section 36 of this act,*** unless the context otherwise requires, the  
9 words and terms defined in NRS 706.013 to 706.146, inclusive, ***and***  
10 ***section 36 of this act,*** have the meanings ascribed to them in those  
11 sections.

12     **Sec. 38.** NRS 706.036 is hereby amended to read as follows:

13     706.036 “Common motor carrier” means any person or  
14 operator who is held out to the public as willing to transport by  
15 vehicle from place to place, either upon fixed route or on-call  
16 operations, passengers or property, including a common motor  
17 carrier of passengers, a common motor carrier of property and a  
18 taxicab motor carrier. ***The term does not include a taxicab operated***  
19 ***pursuant to the provisions of sections 2 to 35, inclusive, of this act.***

20     **Sec. 39.** NRS 706.041 is hereby amended to read as follows:

21     706.041 “Common motor carrier of passengers” means any  
22 person or operator, including a taxicab motor carrier, who is held  
23 out to the public as willing to transport by vehicle from place to  
24 place, either upon fixed route or on-call operations, passengers or  
25 passengers and light express for all who may choose to employ the  
26 person or operator. ***The term does not include a taxicab operated***  
27 ***pursuant to the provisions of sections 2 to 35, inclusive, of this act.***

28     **Sec. 40.** NRS 706.124 is hereby amended to read as follows:

29     706.124 “Taxicab” means a vehicle which is not operated over  
30 a fixed route, is designed or constructed to accommodate and  
31 transport not more than six passengers, including the driver, and:

32     1. Uses a taximeter or some other device, method or system to  
33 indicate and determine the passenger fare charged for the distance  
34 traveled;

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

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

40     ***➤ The term does not include a vehicle operating as a taxicab***  
41 ***pursuant to the provisions of sections 2 to 35, inclusive, of this act.***

42     **Sec. 41.** NRS 706.126 is hereby amended to read as follows:

43     706.126 1. “Taxicab motor carrier” means any person who  
44 operates a taxicab.

45     2. “Taxicab motor carrier” does not include:



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(a) Any employer operating a vehicle for the transportation of the employees of that employer, whether or not the employees pay for the transportation.

(b) A person who is the lessee of a taxicab pursuant to NRS 706.473.

*(c) A person operating a taxicab pursuant to the provisions of sections 2 to 35, inclusive, of this act.*

*(d) A transportation workers cooperative formed pursuant to section 14 of this act.*

**Sec. 42.** NRS 706.151 is hereby amended to read as follows:

706.151 1. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter:

(a) Except to the extent otherwise provided in NRS 706.881 to 706.885, inclusive, to confer upon the Authority the power and to make it the duty of the Authority to regulate fully regulated carriers, operators of tow cars and brokers of regulated services to the extent provided in this chapter and to confer upon the Department of Motor Vehicles the power to license all motor carriers and to make it the duty of the *Compliance Enforcement Division, the* Department of Motor Vehicles and the Department of Public Safety to enforce the provisions of this chapter and the regulations adopted by the Authority pursuant to it, to relieve the undue burdens on the highways arising by reason of the use of the highways by vehicles in a gainful occupation thereon.

(b) To provide for reasonable compensation for the use of the highways in gainful occupations, and enable the State of Nevada, by using license fees, to provide for the proper construction, maintenance and repair thereof, and thereby protect the safety and welfare of the traveling and shipping public in their use of the highways.

(c) To provide for fair and impartial regulation, to promote safe, adequate, economical and efficient service and to foster sound economic conditions in motor transportation.

(d) To encourage the establishment and maintenance of reasonable charges for:

(1) Intrastate transportation by fully regulated carriers; and

(2) Towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle,

↳ without unjust discriminations against or undue preferences or advantages being given to any motor carrier or applicant for a certificate of public convenience and necessity.

(e) To discourage any practices which would tend to increase or create competition that may be detrimental to the traveling and shipping public or the motor carrier business within this State.



2. All of the provisions of this chapter must be administered and enforced with a view to carrying out the declaration of policy contained in this section.

**Sec. 43.** NRS 706.1515 is hereby amended to read as follows:

706.1515 1. Any common or contract carrier subject to the jurisdiction of the Authority that elects to maintain its books and records outside the State of Nevada must, in addition to any other assessment and fees provided for by law, be assessed by the ~~[Authority]~~ **Compliance Enforcement Division** for an amount equal to the per diem allowance and travel expenses of members of the ~~[Authority]~~ **Division** and staff for investigations, inspections and audits required to be performed outside this State. The per diem allowance and travel expenses of the members of the ~~[Authority]~~ **Division** and its staff must be assessed at the rate established by the State Board of Examiners for state officers and employees generally.

2. The assessments provided for by this section must be determined by the ~~[Authority]~~ **Compliance Enforcement Division** upon the completion of each such investigation, inspection, audit or appearance and are due within 30 days after receipt by the affected common or contract carrier of the notice of assessment.

3. The records of the ~~[Authority]~~ **Compliance Enforcement Division** relating to the additional costs incurred by reason of the necessary additional travel must be open for inspection by the affected common or contract carrier at any time within the 30-day period.

**Sec. 44.** NRS 706.1516 is hereby amended to read as follows:

706.1516 1. The Nevada Transportation Authority Regulatory Account is hereby created in the State General Fund. All money collected by the Authority pursuant to law must be deposited with the State Treasurer for credit to the Account.

2. Except as otherwise provided in subsection 3, money in the Account may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the Authority.

(b) Participating in all proceedings relevant to the jurisdiction of the Authority.

(c) ~~[Audits, inspections, investigations, publication]~~ **Publication** of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the Authority.

3. All money collected by the Authority pursuant to subsection 2 of NRS 706.465 and subsection 4 of NRS 706.471 must be used to implement technological improvements in safety, reliability and



1 efficiency within a county whose population is 700,000 or more,  
2 including, without limitation, the implementation of a computerized  
3 real-time data system to assist with the administration and  
4 enforcement of the provisions of NRS 706.011 to 706.791,  
5 inclusive. A computerized real-time data system implemented  
6 pursuant to this subsection must, at a minimum, satisfy the  
7 following criteria:

8 (a) While a vehicle is in service within the jurisdiction of the  
9 Authority **[H] or Compliance Enforcement Division**, the system  
10 must be capable of collecting in real-time from the onboard  
11 computer of the vehicle, by wireless access through the onboard  
12 diagnostic port or other means, the vehicle identification number  
13 and the operating and telemetric data for the vehicle.

14 (b) While a vehicle is in service within the jurisdiction of the  
15 Authority **[H] or Compliance Enforcement Division**, the system  
16 must be capable of collecting in real-time, from an onboard  
17 diagnostic device capable of using a global positioning system that  
18 is installed in the vehicle or any other onboard computer software  
19 system capable of using a global positioning system that is installed  
20 in the vehicle, the location of the vehicle by latitude and longitude, a  
21 record of the time at which the vehicle is at that location and  
22 operating and telemetric data for the vehicle.

23 (c) The system must be capable of allowing the operator of a  
24 vehicle, while the vehicle is in service within the jurisdiction of the  
25 Authority, to register in the system, at the beginning and end of each  
26 shift, his or her identity and the number of his or her permit or  
27 certificate of public convenience and necessity.

28 (d) The system must be capable of allowing, in a manner  
29 prescribed by the Authority, a holder of a certificate of public  
30 convenience and necessity to digitally associate himself or herself  
31 with a vehicle for which the Authority has issued a certificate,  
32 license or other authorization.

33 (e) The system must be capable of presenting, in real-time to the  
34 Authority **[H] and the Compliance Enforcement Division**,  
35 searchable histories of the information and data described in this  
36 subsection in both a format that displays the information and data in  
37 tables and a digital map format that displays streets and highways.

38 (f) The system must be capable of presenting to a passenger,  
39 through an application on a mobile device or an interactive, digital  
40 display or other onboard system in the vehicle, sufficient  
41 information for the passenger to select and direct the operator of the  
42 vehicle to the passenger's desired destination by the passenger's  
43 desired route. The information must include, without limitation,  
44 sufficient information for the passenger to:



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

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

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

(4) Make a digital record of the passenger's selection that is accessible during and after the trip by the passenger, the Authority, the operator and the holder of the certificate of public convenience and necessity.

(g) The system must be capable of presenting to the operator of the vehicle, through an application on a mobile device or an interactive, digital display or other onboard system in the vehicle, sufficient information for the operator to:

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

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

(3) Allow the passenger to make a digital record of a selection of a desired route to the passenger's destination that is accessible during and after the trip by the passenger, the Authority, the operator and the holder of the certificate of public convenience and necessity.

(h) The system must be capable of allowing a passenger to register comments and complaints with the Authority, the operator of the vehicle and the holder of the certificate of public convenience and necessity, through an application on a mobile device or an interactive digital display screen or other onboard system in the vehicle.

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

(j) The system must be capable of providing to the Authority *and the Compliance Enforcement Division* reliable real-time and historic information concerning service demands, market data, vehicle usage, wait time and customer complaints and comments.

(k) The system must be capable of allowing holders of a certificate of convenience and public necessity to use the system to provide cooperative dispatch and electronic hailing services to the public pursuant to NRS 706.165.

4. The Authority *or the Compliance Enforcement Division* shall not use the information and data collected pursuant to paragraph (a) or (b) of subsection 3 for any purpose other than the



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purposes set forth in those paragraphs unless the Authority *or the Division* has adopted regulations governing the additional use.

5. The Authority *and the Compliance Enforcement Division* may operate the computerized real-time data system implemented pursuant to subsection 3 or enter into an agreement for the provision of such service. If the Authority *or the Division* enters into such an agreement, the Authority *or the Division* shall ensure that all the information and data collected by the computerized real-time data system is under the control of the Authority ~~[-]~~ *or the Division*.

6. All claims against the Account must be paid as other claims against the State are paid.

7. The Authority must furnish upon request a statement showing the balance remaining in the Account as of the close of the preceding fiscal year.

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

**Sec. 45.** NRS 706.1517 is hereby amended to read as follows:  
706.1517 Employees of the ~~[-]~~ *Compliance Enforcement Division* who are peace officers may carry firearms in the performance of their duties.

**Sec. 46.** NRS 706.166 is hereby amended to read as follows:  
706.166 *1.* The Authority shall:

~~[-]~~ *(a)* Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, ~~[-]~~ regulate:

~~[-]~~ *(1)* 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 actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.

~~[-]~~ *(2)* Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive.

~~[-]~~ ~~[-]~~ ~~[-]~~ *(b)* *Regulate* the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

~~[-]~~ ~~[-]~~ *(c)* *Regulate* the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the Authority or the Department by:

~~[-]~~ *(1)* Providing training in safety; *and*





~~[(b)]~~ (2) Reviewing and observing the programs or inspections of the carrier relating to safety. ~~[(c)]~~ and

~~—(c) Conducting inspections relating to safety at the operating terminals of the carrier.~~

~~—4.]~~ (d) To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

~~[(a)]~~ (1) Fares of fully regulated carriers;

~~[(b)]~~ (2) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;

~~[(c)]~~ (3) Classifications;

~~[(d)]~~ (4) Divisions;

~~[(e)]~~ (5) Allowances; and

~~[(f)]~~ (6) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

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

**2. The Compliance Enforcement Division shall enforce the provisions of this chapter as to:**

*(a) Every fully regulated and broker of regulated services in this State in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.*

*(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive.*

*(c) The standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the Authority or the Department by conducting inspections related to safety at the operating terminals of the carrier.*

**Sec. 47.** NRS 706.168 is hereby amended to read as follows:

706.168 **1.** The authority of the Nevada Transportation Authority to ~~[(supervise and)]~~ regulate motor carriers and brokers respectively, to the extent provided in this chapter, must be



exercised separately. A motor carrier is responsible only for the motor carrier's own acts and those of the motor carrier's employees or agents who are not brokers. A broker is responsible only for the broker's own acts and those of the broker's employees or agents who are not motor carriers.

*2. The authority of the Compliance Enforcement Division to enforce the provisions of this chapter as to motor carriers and brokers respectively, to the extent provided in this chapter, must be exercised separately. A motor carrier is responsible only for the motor carrier's own acts and those of the motor carrier's employees or agents who are not brokers. A broker is responsible only for the broker's own acts and those of the broker's employees or agents who are not motor carriers.*

**Sec. 48.** NRS 706.171 is hereby amended to read as follows:

706.171 1. The Authority, *the Compliance Enforcement Division*, the Department of Motor Vehicles and the Department of Public Safety may:

(a) Make necessary and reasonable regulations governing the administration and enforcement of the provisions of this chapter for which they are each responsible.

(b) Adopt by reference any appropriate rule or regulation, as it exists at the time of adoption, issued by the United States Department of Transportation, the Surface Transportation Board, any other agency of the Federal Government or the National Association of Regulatory Utility Commissioners.

(c) Require such reports and the maintenance of such records as they determine to be necessary for the administration and enforcement of this chapter.

(d) Except as otherwise provided in this section, examine, at any time during the business hours of the day, the books, papers and records of any fully regulated carrier, and of any other common, contract or private motor carrier doing business in this State to the extent necessary for their respective duties. The Authority, *the Compliance Enforcement Division*, the Department of Motor Vehicles and the Department of Public Safety may examine in other states or require by subpoena the production inside this State of such books, papers and records as are not maintained in this State.

(e) Temporarily waive any requirement for a certificate or permit when an emergency exists as defined in NRS 706.561.

2. No personnel records of an employee of a fully regulated carrier, or of any other common, contract or private motor carrier may be examined pursuant to paragraph (d) of subsection 1 unless the records contain information relating to a matter of public safety or the Authority, *the Compliance Enforcement Division*, the Department of Motor Vehicles and the Department of Public Safety



determine that the examination is required to protect the interests of the public.

3. The Department of Motor Vehicles may adopt regulations to ensure the payment of any fee due or authorized pursuant to the provisions of this chapter.

4. As used in this section, "personnel records" does not include:

- (a) The name of the employee who is the subject of the record;
- (b) The gross compensation and perquisites of the employee;
- (c) Any record of the business expenses of the employee;
- (d) The title or any description of the position held by the employee;
- (e) The qualifications required for the position held by the employee;
- (f) The business address of the employee;
- (g) The telephone number of the employee at the place of business of the employee;
- (h) The work schedule of the employee;
- (i) The date on which the employment of the employee began; and
- (j) If applicable, the date on which the employment of the employee was terminated.

**Sec. 49.** NRS 706.172 is hereby amended to read as follows:

706.172 1. Except as otherwise provided in subsection 2, any member of the ~~[Authority]~~ *Compliance Enforcement Division* or any officer or employee of the ~~[Authority]~~ *Division* who is designated by the ~~[Authority]~~ *Division* may examine during the regular business hours the books, accounts, records, minutes, papers and property of any person who is regulated by the ~~[Authority]~~ *Division* and who does business in this State, whether or not the book, account, record, minutes, paper or property is located within this State.

2. No personnel records of an employee may be examined pursuant to subsection 1 unless the records contain information relating to a matter of public safety or the Authority *or the Compliance Enforcement Division* determines that the examination is required to protect the interests of the public.

3. As used in this section, "personnel records" does not include:

- (a) The name of the employee who is the subject of the record;
- (b) The gross compensation and perquisites of the employee;
- (c) Any record of the business expenses of the employee;
- (d) The title or any description of the position held by the employee;



(e) The qualifications required for the position held by the employee;

(f) The business address of the employee;

(g) The telephone number of the employee at the place of business of the employee;

(h) The work schedule of the employee;

(i) The date on which the employment of the employee began; and

(j) If applicable, the date on which the employment of the employee was terminated.

**Sec. 50.** NRS 706.1725 is hereby amended to read as follows:

706.1725 1. Any books, accounts, records, minutes, papers and property of any carrier that are subject to examination pursuant to NRS 706.1518 and 706.172, and are made available to the Authority, any officer or employee of the Authority, *the Compliance Enforcement Division* or any other person under the condition that the disclosure of such information to the public be withheld or otherwise limited, must not be disclosed to the public unless the Authority first determines that the disclosure is justified.

2. The Authority *and the Compliance Enforcement Division* shall take such actions as are necessary to protect the confidentiality of such information, including, without limitation:

(a) Granting such protective orders as it deems necessary; and

(b) Holding closed hearings to receive or examine such information.

3. If the Authority closes a hearing to receive or examine such information, it shall:

(a) Restrict access to the records and transcripts of such hearings without the prior approval of the Authority or an order of a court of competent jurisdiction authorizing access to the records or transcripts; and

(b) Prohibit any participant at such a hearing from disclosing such information without the prior authorization of the Authority.

4. The Authority shall consider in an open meeting whether the information reviewed or examined in a closed hearing may be disclosed without revealing the confidential subject matter of the information. To the extent the Authority determines the information may be disclosed, the information must become a part of the records available to the public. Information that the Authority determines may not be disclosed must be kept under seal.

**Sec. 51.** NRS 706.176 is hereby amended to read as follows:

706.176 1. The Authority shall appoint a Deputy Commissioner who:

(a) Must be knowledgeable and experienced in public administration and fiscal management;



(b) Must be knowledgeable in the areas of motor carrier regulation by the Authority; and

(c) Must be independent of and have no pecuniary interest in any entity regulated by the Authority.

2. The Deputy Commissioner shall:

(a) Serve as Chief Financial Officer for the Authority and is responsible for directing the daily operation of the Authority, including, without limitation:

(1) Budget preparation;

(2) Administration;

(3) Human resources;

(4) Purchases and acquisitions made by the Authority; and

(5) Contracts and leases entered into by the Authority;

(b) Develop and implement policies and procedures to ensure the efficient operation of the Authority;

(c) Oversee:

(1) The review of applications for certificates, permits and modifications of tariffs; *and*

(2) The maintenance of a hearing calendar of all matters pending before the Authority; and

~~[(3) Compliance with and enforcement of state statutes and regulations pertaining to motor carriers which are regulated by the Authority; and]~~

(d) Authenticate documents and serve as custodian of all agency records.

3. The Deputy Commissioner is in the unclassified service of the State.

4. ~~[The Authority shall employ compliance enforcement officers whose duties shall include, without limitation, enforcement activities to ensure motor carriers are operating in compliance with state statutes and regulations, conducting operational inspections of motor carriers and investigating complaints against motor carriers.~~

~~—5.]~~ The Authority may employ such other personnel as may be necessary.

**Sec. 52.** NRS 706.231 is hereby amended to read as follows:

706.231 Sheriffs and all other peace officers and traffic officers of this State are charged with the duty, without further compensation, of assisting in the enforcement of this chapter. They shall make arrests for this purpose when requested by an authorized agent of the Department of Motor Vehicles, the Department of Public Safety, the Authority, *the Compliance Enforcement Division* or other competent authority.

**Sec. 53.** NRS 706.246 is hereby amended to read as follows:

706.246 Except as otherwise provided in NRS 706.235:



1 1. A common or contract motor carrier shall not permit or  
2 require a driver to drive or tow any vehicle revealed by inspection or  
3 operation to be in such condition that its operation would be  
4 hazardous or likely to result in a breakdown of the vehicle, and a  
5 driver shall not drive or tow any vehicle which by reason of its  
6 mechanical condition is so imminently hazardous to operate as to be  
7 likely to cause a crash or a breakdown of the vehicle. If, while any  
8 vehicle is being operated on a highway, it is discovered to be in such  
9 an unsafe condition, it may be continued in operation, except as  
10 further limited by subsection 2, only to the nearest place where  
11 repairs can safely be effected, and even that operation may be  
12 conducted only if it is less hazardous to the public than permitting  
13 the vehicle to remain on the highway.

14 2. A common or contract motor carrier or private motor carrier  
15 shall not permit or require a driver to drive or tow, and a driver shall  
16 not drive or tow, any vehicle which:

17 (a) By reason of its mechanical condition is so imminently  
18 hazardous to operate as to be likely to cause a crash or a breakdown;  
19 and

20 (b) Has been declared "out of service" by an authorized  
21 employee of the Authority, *the Compliance Enforcement Division*,  
22 the Department of Motor Vehicles or the Department of Public  
23 Safety.

24 ➤ When the repairs have been made, the carrier shall so certify to  
25 the Authority, *the Compliance Enforcement Division* or the  
26 department that declared the vehicle "out of service," as required by  
27 the Authority or that department.

28 **Sec. 54.** NRS 706.251 is hereby amended to read as follows:

29 706.251 1. Every person operating a vehicle used by any  
30 motor carrier under the jurisdiction of the Authority shall forthwith  
31 report each crash occurring on the public highway, wherein the  
32 vehicle may have injured the person or property of some person  
33 other than the person or property carried by the vehicle, to the  
34 sheriff or other peace officer of the county where the crash occurred.  
35 If the crash immediately or proximately causes death, the person in  
36 charge of the vehicle, or any officer investigating the crash, shall  
37 furnish to the Authority such detailed report thereof as required by  
38 the Authority.

39 2. All crash reports required in this section must be filed in the  
40 office of the Authority and there preserved. A crash report made as  
41 required by this chapter, or any report of the ~~[Authority]~~  
42 *Compliance Enforcement Division* made pursuant to any crash  
43 investigation made by it, is not open to public inspection and must  
44 not be disclosed to any person, except upon order of the Authority.  
45 The reports must not be admitted as evidence or used for any



purpose in any action for damages growing out of any matter mentioned in the crash report or report of any such investigation.

**Sec. 55.** NRS 706.286 is hereby amended to read as follows:

706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person that:

(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;

(b) Any of the provisions of NRS 706.444 to 706.453, inclusive, have been violated;

(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or

(d) Any service is inadequate,

→ the Authority shall *direct the Compliance Enforcement Division* to investigate the complaint. After receiving the complaint, the Authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the ~~[Authority]~~ *Compliance Enforcement Division* with its written response to the complaint according to the regulations of the Authority.

2. If the Authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.

**Sec. 56.** NRS 706.2885 is hereby amended to read as follows:

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

2. The Authority may at any time, for good cause shown, after investigation *by the Compliance Enforcement Division* and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation *by the Compliance*





**Enforcement Division** and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. Except as otherwise provided in NRS 706.1519, the proceedings thereafter are governed by the provisions of chapter 233B of NRS.

**Sec. 57.** NRS 706.321 is hereby amended to read as follows:

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

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

(1) Be open to public inspection; and

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

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive.

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

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

(1) Be open to public inspection; and

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

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive.

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the Authority, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The



Authority, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the Authority 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the Authority.

4. The Authority may at any time, upon its own motion, *direct the Compliance Enforcement Division to* 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.

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. 58.** NRS 706.323 is hereby amended to read as follows:

706.323 1. Except as otherwise provided in subsection 2, the Authority may not ~~investigate,~~ suspend, revise ~~or~~, revoke *or direct the Compliance Enforcement Division to investigate* any rate that is subject to the approval of the Authority pursuant to NRS 706.321 and proposed by a common motor carrier or contract motor carrier because the rate is too high or too low and therefore unreasonable if:

(a) The motor carrier notifies the Authority that it wishes to have the rate reviewed by the Authority pursuant to this subsection; and

(b) The rate resulting from all increases or decreases within 1 year is not more than 10 percent above or 10 percent below the rate in effect 1 year before the effective date of the proposed rate.

2. This section does not limit the authority of the Authority to ~~investigate,~~ suspend, revise or revoke *or direct the Compliance Enforcement Division to investigate* a proposed rate if the rate would violate the provisions of NRS 706.151.

**Sec. 59.** 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 *direct the Compliance Enforcement Division to* commence an investigation *and provide a report to the Authority*, or, upon reasonable notice, *the Authority may* hold a hearing concerning the propriety of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice.

2. 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.


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. 60.** NRS 706.331 is hereby amended to read as follows:

706.331 1. If, after due investigation and hearing, any authorized rates, tolls, fares, charges, schedules, tariffs, joint rates or any regulation, measurement, practice, act or service that is subject to the approval of the Authority is complained of and is found to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of the provisions of this chapter, or if it is found that the service is inadequate, or that any reasonable service cannot be obtained, the Authority may substitute therefor such other rates, tolls, fares, charges, tariffs, schedules or regulations, measurements, practices, service or acts and make an order relating thereto as may be just and reasonable.

2. When complaint is made of more than one matter, the Authority may order separate hearings upon the several matters complained of at such times and places as it may prescribe.

3. No complaint may at any time be dismissed because of the absence of direct damage to the complainant.

4. The Authority may at any time, upon its own motion, *direct the Compliance Enforcement Division to* investigate any of the matters listed in subsection 1  *and provide a report to the Authority*, and, after a full hearing, *the Authority may*, by order,



1 make such changes as may be just and reasonable, the same as if a  
2 formal complaint had been made.

3 **Sec. 61.** NRS 706.443 is hereby amended to read as follows:

4 706.443 1. The provisions of NRS 706.442 apply whether or  
5 not the person providing the service has received authority to  
6 operate from the Authority.

7 2. The ~~[Authority]~~ *Compliance Enforcement Division* shall  
8 enforce the provisions of NRS 706.442 and consider complaints  
9 regarding violations of the provisions of that section pursuant to the  
10 provisions of this chapter. ~~[[[~~ *Upon receiving a report from the*  
11 *Division, in* addition to any other remedies, the Authority may order  
12 the release of any household goods that are being held by the  
13 provider of service subject to the terms and conditions that the  
14 Authority determines to be appropriate and may order the refund of  
15 overcharges.

16 3. The Authority may use the remedies provided in NRS  
17 706.457, 706.461, 706.756, 706.761, 706.771 and 706.779 and any  
18 other remedy available under other law.

19 4. The Authority , *in consultation with the Compliance*  
20 *Enforcement Division*, shall adopt regulations regarding the  
21 administration and enforcement of this section and NRS 706.442.

22 **Sec. 62.** NRS 706.4468 is hereby amended to read as follows:

23 706.4468 1. Each operator of a tow car shall file its charges  
24 for preparing or satisfying a lien to which the operator is entitled  
25 against a vehicle that was towed without the prior consent of the  
26 owner of the vehicle or the person authorized by the owner to  
27 operate the vehicle. The Authority:

28 (a) May *direct the Compliance Enforcement Division to*  
29 *investigate any charge filed pursuant to this subsection and , upon*  
30 *receiving a report from the Division*, revise the charge as necessary  
31 to ensure that the charge is reasonable.

32 (b) Shall reduce any charge filed pursuant to this subsection if  
33 the Authority determines that the charge is unreasonable because the  
34 charge is attributable, in whole or in part, to failure on the part of the  
35 operator of the tow car to prepare or satisfy the operator's lien in a  
36 timely manner.

37 2. An operator of a tow car may not impose a charge or any  
38 part of a charge filed pursuant to subsection 1 unless the operator:

39 (a) Has initiated the procedure by which a person may satisfy a  
40 lien; and

41 (b) Stores the vehicle for at least 96 hours.

42 3. If an operator of a tow car stores a vehicle that was towed  
43 without the prior consent of the owner of the vehicle or the person  
44 authorized by the owner to operate the vehicle for at least 96 hours  
45 but not more than 336 hours, the operator may charge an amount not



1 to exceed 50 percent of the charge approved by the Authority  
2 pursuant to subsection 1 for preparing or satisfying a lien.

3 4. If an operator of a tow car stores a vehicle that was towed  
4 without the prior consent of the owner of the vehicle or the person  
5 authorized by the owner to operate the vehicle for more than 336  
6 hours, the operator may charge an amount not to exceed 50 percent  
7 of the charge approved by the Authority pursuant to subsection 1 for  
8 preparing or satisfying a lien in addition to the amount charged  
9 pursuant to subsection 3.

10 **Sec. 63.** NRS 706.44797 is hereby amended to read as  
11 follows:

12 706.44797 1. An operator of a tow car may enter into  
13 contracts with issuers of credit cards and debit cards to provide for  
14 the acceptance of credit cards and debit cards by the operator of a  
15 tow car for the payment of rates, fares and charges owed to the  
16 operator of a tow car.

17 2. The Authority may, as part of its ~~investigation or~~ review of  
18 any rates, fares or charges of a tow car operator that are subject to  
19 the approval of the Authority, consider the expenses incurred by the  
20 operator of a tow car in accepting payment by a credit card or debit  
21 card, including, without limitation:

22 (a) Costs of required equipment and its installation;

23 (b) Administrative costs of processing credit card or debit card  
24 transactions; and

25 (c) Fees paid to issuers of credit cards or debit cards.

26 3. An operator of a tow car may offer a discount to a customer  
27 for payment in cash of any rate, fare or charge.

28 4. As used in this section, "issuer" means a business  
29 organization, financial institution or a duly authorized agency of a  
30 business organization or financial institution which:

31 (a) Issues a credit card or debit card; or

32 (b) Enters into a contract with an operator of a tow car or other  
33 person to enable or facilitate the acceptance of a credit card or debit  
34 card.

35 **Sec. 64.** NRS 706.4483 is hereby amended to read as follows:

36 706.4483 1. The Authority shall ~~act upon~~ *direct the*  
37 *Compliance Enforcement Division to investigate* complaints  
38 regarding the failure of an operator of a tow car to comply with the  
39 provisions of NRS 706.011 to 706.791, inclusive.

40 2. ~~Has~~ *Upon receiving a report from the Division, in* addition  
41 to any other remedies that may be available to the Authority to act  
42 upon complaints, the Authority may order the release of towed  
43 motor vehicles, cargo or personal property upon such terms and  
44 conditions as the Authority determines to be appropriate.



**Sec. 65.** NRS 706.461 is hereby amended to read as follows:

706.461 When:

1. A complaint has been filed with the Authority alleging that any vehicle is being operated without a certificate of public convenience and necessity or contract carrier's permit as required by NRS 706.011 to 706.791, inclusive; or

2. The Authority has reason to believe that any:

(a) Person is advertising to provide:

(1) The services of a fully regulated carrier in intrastate commerce; or

(2) Towing services,

↳ without including the number of the person's certificate of public convenience and necessity or permit in each advertisement; or

(b) Provision of NRS 706.011 to 706.791, inclusive, is being violated,

↳ the Authority shall *direct the Compliance Enforcement Division to* investigate the operations or advertising. ~~and~~ *Upon receiving a report from the Division, the Authority* may, after a hearing, order the owner or operator of the vehicle or the person advertising to cease and desist from any operation or advertising in violation of NRS 706.011 to 706.791, inclusive. The ~~Authority~~ *Division* shall enforce compliance with the order pursuant to the powers vested in the ~~Authority~~ *Division* by NRS 706.011 to 706.791, inclusive, or by other law.

**Sec. 66.** NRS 706.462 is hereby amended to read as follows:

706.462 1. A person shall not drive a charter bus for the purposes of charter bus transportation, a motor vehicle for a fully regulated carrier of passengers or a taxicab motor carrier as an employee, independent contractor or lessee unless the person has been issued a driver's permit by the Authority pursuant to this section.

2. The Authority shall issue a driver's permit to each applicant who satisfies the requirements of this section. Before issuing a driver's permit, the Authority shall:

(a) Require the applicant to submit a complete set of his or her fingerprints, which the Authority shall 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 may *direct the Compliance Enforcement Division to* further investigate the applicant's background; and

(b) Require proof that the applicant is employed or under a contract or lease agreement or has an offer of employment, a contract or a lease agreement that is contingent on the applicant obtaining a driver's permit pursuant to this section and:



(1) Has a valid license issued pursuant to NRS 483.340 which authorizes the applicant to drive in this State any motor vehicle that is within the scope of the employment, contract or lease; or

(2) If the driver is a resident of a state other than Nevada, has a valid license issued by the state in which he or she resides which authorizes the applicant to drive any motor vehicle that is within the scope of the employment, contract or lease.

3. The Authority may refuse to issue a driver's permit if:

(a) The applicant has been convicted of:

(1) A felony, other than a sexual offense, in this State or any other jurisdiction within the 5 years immediately preceding the date of the application;

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

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

(b) After *directing* further investigation *by the Compliance Enforcement Division* into the applicant's background, if ~~any,~~ *the Authority deems it necessary, and receiving a report from the Division, if* the Authority determines that the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A driver's permit issued pursuant to this section is valid for not longer than 3 years, but lapses if the driver ceases to be employed by the carrier identified in the application for the original or renewal permit or if the contract or lease expires and the driver enters into a contract or lease with a different carrier. A driver must notify the Authority within 10 days after the lapse of a permit and obtain a new permit pursuant to this section before driving for a different carrier.

5. An applicant shall pay to the Authority:

(a) A fee for the processing of fingerprints which is to be established by the Authority and which may not exceed the fee charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(b) For an original driver's permit, a fee not to exceed \$50.

(c) For the renewal of a driver's permit, a fee not to exceed \$50.

6. As used in this section, "charter bus transportation" means transportation by bus of a group of persons who, pursuant to a common purpose and under a single contract, at a fixed charge for the motor vehicle, have acquired the exclusive use of the motor vehicle to travel together under an itinerary either specified in





advance or modified after having left the place of origin. The term does not include:

(a) The transportation of passengers and their baggage in the same vehicle for a per capita charge between airports or between an airport and points and places in this State;

(b) The transportation at a per capita or an hourly rate of passengers to various points of interest for the purpose of sightseeing or visiting those points of interest where a narrated tour is presented to the passengers;

(c) The transportation of persons who have acquired the use of a vehicle for a special event between definite points of origin and destination, at a per capita rate; or

(d) In a county whose population is less than 100,000, the transportation of a group of persons to and from a single job site or work site, including, without limitation, a construction site, mine or facility or project for the production of renewable energy. As used in this paragraph:

(1) "Construction site" means any location at which construction work is being commenced or in progress.

(2) "Mine" means an excavation in the earth from which ores, coal or other mineral substances are extracted, or a subterranean natural deposit of minerals located and identified as such by the staking of a claim or other method recognized by law. The term includes, without limitation, a well drilled to extract minerals.

(3) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(I) Biomass;

(II) Fuel cells;

(III) Geothermal energy;

(IV) Solar energy;

(V) Waterpower; and

(VI) Wind.

➔ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

**Sec. 67.** NRS 706.476 is hereby amended to read as follows:

706.476 Except as otherwise provided in NRS 706.478:

1. A vehicle used as a taxicab, limousine or other passenger vehicle in passenger service or to provide towing services or the transportation of household goods must be impounded by the *Compliance Enforcement Division on behalf of the* Authority if a certificate of public convenience and necessity is required to be issued to authorize its operation but has not been issued to authorize its operation. A hearing must be held by the Authority no later than



1 the conclusion of the second normal business day after  
2 impoundment, weekends and holidays excluded. As soon as  
3 practicable after impoundment, the Authority shall notify the  
4 registered owner of the vehicle:

5 (a) That the registered owner of the vehicle may post a bond in  
6 the amount of \$20,000 to ensure the registered owner's presence at  
7 all proceedings held pursuant to this section;

8 (b) Of the time set for the hearing; and

9 (c) Of the registered owner's right to be represented by counsel  
10 during all phases of the proceedings.

11 2. The Authority shall hold the vehicle until the registered  
12 owner of the vehicle appears and:

13 (a) Posts a bond in the amount of \$20,000 with the Authority; or

14 (b) Proves that:

15 (1) The person is the registered owner of the vehicle;

16 (2) The person holds a valid certificate of public convenience  
17 and necessity, if required; and

18 (3) The vehicle meets all required standards of the Authority.

19 ➤ The Authority shall return the vehicle to its registered owner  
20 when the owner meets the requirements of paragraph (a) or (b) and  
21 pays all costs of impoundment.

22 3. If the registered owner is unable to meet the requirements of  
23 subparagraph (2) or (3) of paragraph (b) of subsection 2, the  
24 Authority may assess an administrative fine against the registered  
25 owner for each such violation in the amount of \$5,000. The  
26 maximum amount of the administrative fine that may be assessed  
27 against a registered owner for a single impoundment of the  
28 registered owner's vehicle pursuant to this section is \$10,000. The  
29 Authority shall return the vehicle after any administrative fine  
30 imposed pursuant to this subsection and all costs of impoundment  
31 have been paid.

32 **Sec. 68.** NRS 706.478 is hereby amended to read as follows:

33 706.478 1. Notwithstanding any provision of NRS 706.011 to  
34 706.791, inclusive, to the contrary, if the registered owner of a  
35 vehicle which is impounded pursuant to NRS 706.476 is a short-  
36 term lessor licensed pursuant to NRS 482.363 who is engaged in the  
37 business of renting or leasing vehicles in accordance with NRS  
38 482.295 to 482.3159, inclusive, the registered owner is not liable for  
39 any administrative fine or other penalty that may be imposed by the  
40 Authority for the operation of a passenger vehicle in violation of  
41 NRS 706.011 to 706.791, inclusive, if at the time that the vehicle  
42 was impounded, the vehicle was in the care, custody or control of a  
43 lessee.

44 2. A short-term lessor may establish that a vehicle was subject  
45 to the care, custody or control of a lessee at the time that the vehicle



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1 was impounded pursuant to NRS 706.476 by submitting to the  
2 Authority a true copy of the lease or rental agreement pursuant to  
3 which the vehicle was leased or rented to the lessee by the short-  
4 term lessor. The submission of a true copy of a lease or rental  
5 agreement is prima facie evidence that the vehicle was in the care,  
6 custody or control of the lessee.

7 3. Upon the receipt of a true copy of a written lease or rental  
8 agreement pursuant to subsection 2 which evidences that the vehicle  
9 impounded ~~[by the Authority]~~ pursuant to NRS 706.476 was under  
10 the care, custody or control of a lessee and not the registered owner  
11 of the vehicle, the Authority shall release the vehicle to the short-  
12 term lessor.

13 4. As used in this section, "short-term lessor" has the meaning  
14 ascribed to it in NRS 482.053.

15 **Sec. 69.** NRS 706.741 is hereby amended to read as follows:

16 706.741 1. An owner or operator of a motor vehicle that is  
17 used for the transportation of passengers or property is not subject to  
18 the provisions of this chapter governing fully regulated carriers if:

19 (a) The owner or operator, or an affiliate of the owner or  
20 operator, of the motor vehicle:

- 21 (1) Holds a nonrestricted license and is a resort hotel;
- 22 (2) Is not in the business of transporting passengers or  
23 property;
- 24 (3) Does not charge a fee for transporting passengers or  
25 property;
- 26 (4) Provides transportation only to its customers, guests,  
27 casino hosts, key employees, officers and directors; and
- 28 (5) Marks the vehicle with the name or logo of the owner or  
29 operator, or an affiliate of the owner or operator, which must be at  
30 least 2 inches in height and be visible from a distance of at least 50  
31 feet; and

32 (b) The use of the motor vehicle is related to the business of the  
33 resort hotel for which the nonrestricted license of the owner or  
34 operator, or an affiliate of the owner or operator, was issued.

35 2. The owner or operator, or an affiliate of the owner or  
36 operator, of a motor vehicle specified in subsection 1 shall regularly  
37 inspect the motor vehicle and maintain a record of the inspection for  
38 at least 3 years after the date of the inspection. Each record  
39 maintained pursuant to this subsection must be made available for  
40 inspection or audit by the ~~[Authority]~~ **Compliance Enforcement**  
41 **Division** or its designee at any time during regular business hours.

42 3. As used in this section:

- 43 (a) "Affiliate" has the meaning ascribed to it in NRS 463.0133;
- 44 (b) "Nonrestricted license" has the meaning ascribed to it in  
45 NRS 463.0177; and



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

**Sec. 70.** NRS 706.745 is hereby amended to read as follows:

706.745 1. The provisions of NRS 706.386 and 706.421 do not apply to:

(a) Ambulances;

(b) Hearses; or

(c) Common motor carriers or contract motor carriers that are providing transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.27495.

2. A common motor carrier that enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transit consisting of:

(a) Regular routes and fixed schedules;

(b) Nonemergency medical transportation of persons to facilitate their participation in jobs and day training services as defined in NRS 435.176 if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

3. Under any agreement for a system of public transit that provides for the transportation of passengers that is described in subsection 2:

(a) The public entity shall provide for any required safety inspections; or

(b) If the public entity is unable to do so, the **[Authority]** **Compliance Enforcement Division** shall provide for any required safety inspections.

4. In addition to the requirements of subsection 3, under an agreement for a system of public transit that provides for the transportation of passengers that is described in:

(a) Paragraph (a) of subsection 2, the public entity shall establish the routes and fares.

(b) Paragraph (c) or (d) of subsection 2, the common motor carrier:



(1) May provide transportation to any passenger who can board a vehicle with minimal assistance from the operator of the vehicle.

(2) Shall not offer medical assistance as part of its transportation service.

5. In a county whose population:

(a) Is less than 700,000, a nonprofit carrier of elderly persons or persons with disabilities is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but such a carrier is not exempt from inspection by the ~~Authority~~ **Compliance Enforcement Division** to determine whether its vehicles and their operation are safe.

(b) Is 700,000 or more, a nonprofit carrier of elderly persons or persons with disabilities is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but:

(1) Only if the nonprofit carrier:

(I) Does not charge for transportation services;

(II) Provides transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.27495; or

(III) Enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission; and

(2) Such a carrier is not exempt from inspection by the ~~Authority~~ **Compliance Enforcement Division** to determine whether its vehicles and their operation are safe.

6. An incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transportation.

7. Before an incorporated city or a county enters into an agreement with a common motor carrier for a system of public transit that provides for the transportation of passengers that is described in paragraph (c) or (d) of subsection 2 in an area of the incorporated city or an area of the county, it must determine that:

(a) There are no other common motor carriers of passengers who are authorized to provide such services in that area; or

(b) Although there are other common motor carriers of passengers who are authorized to provide such services in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, such services.



**Sec. 71.** NRS 706.761 is hereby amended to read as follows:

706.761 1. Any agent or person in charge of the books, accounts, records, minutes or papers of any private, common or contract motor carrier or broker of any of these services who refuses or fails for a period of 30 days to furnish the Authority or Department with any report required by either or who fails or refuses to permit any person authorized by the ~~[Authority]~~ **Compliance Enforcement Division** or Department to inspect such books, accounts, records, minutes or papers on behalf of the Authority or Department is liable to a penalty in a sum of not less than \$300 nor more than \$500. The penalty may be recovered in a civil action upon the complaint of the Authority or Department in any court of competent jurisdiction.

2. Each day's refusal or failure is a separate offense, and is subject to the penalty prescribed in this section.

**Sec. 72.** NRS 706.779 is hereby amended to read as follows:

706.779 The ~~[Authority and its inspectors]~~ **Compliance Enforcement Division** may, upon halting a person for a violation of the provisions of NRS 706.386 or 706.421, move the person's vehicle or cause it to be moved to the nearest garage or other place of safekeeping until it is removed in a manner which complies with the provisions of this chapter.

**Sec. 73.** NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority, **the Compliance Enforcement Division** or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.

**Sec. 74.** NRS 706.881 is hereby amended to read as follows:

706.881 1. The provisions of NRS 372B.160 and 706.8811 to 706.885, inclusive, 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, 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 ~~to~~ , *but the provisions of this chapter and chapter 232 conferring enforcement authority to the Compliance Enforcement Division do apply.*

**Sec. 75.** NRS 706.8811 is hereby amended to read as follows:

706.8811 As used in NRS 706.881 to 706.885, inclusive, *and section 36 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.8812 to 706.8817, inclusive, *and section 36 of this act* have the meanings ascribed to them in those sections.

**Sec. 76.** 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.

*(d) A member of a transportation workers cooperative operating a taxicab pursuant to the provisions of sections 2 to 35, inclusive, of this act.*

**Sec. 77.** 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





1 the per diem allowance and travel expenses provided for state  
2 officers and employees generally.

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

6 5. The Taxicab Authority may adopt appropriate regulations  
7 for the administration ~~[and enforcement]~~ of NRS 706.881 to  
8 706.885, inclusive, and, as it may deem necessary, for the conduct  
9 of the taxicab business and for the qualifications of and the issuance  
10 of permits to taxicab drivers, not inconsistent with the provisions of  
11 NRS 706.881 to 706.885, inclusive. The regulations may include  
12 different provisions to allow for differences among the counties to  
13 which NRS 706.881 to 706.885, inclusive, apply. ~~[Local law  
14 enforcement agencies and the Nevada Highway Patrol, upon request  
15 of the Authority, may assist in enforcing the provisions of NRS  
16 706.881 to 706.885, inclusive, and regulations adopted pursuant  
17 thereto.]~~

18 6. *The Compliance Enforcement Division may adopt  
19 regulations for the enforcement of NRS 706.881 to 706.885,  
20 inclusive. Local law enforcement agencies and the Nevada  
21 Highway Patrol, upon request of the Division, may assist in  
22 enforcing the provisions of NRS 706.881 to 706.885, inclusive,  
23 and regulations adopted pursuant thereto.*

24 7. Except to the extent of any inconsistency with the provisions  
25 of NRS 706.881 to 706.885, inclusive, every regulation and order  
26 issued by the Nevada Transportation Authority *and the Compliance  
27 Enforcement Division* remains effective in a county to which those  
28 sections apply until modified or rescinded by the Taxicab Authority  
29 ~~[ ]~~ *or the Division, respectively*, and must be enforced by the  
30 ~~[Taxicab Authority.]~~ *Division.*

31 ~~[7.]~~ 8. The ~~[Taxicab Authority]~~ *Compliance Enforcement  
32 Division* may issue a written administrative citation to a person who  
33 is a driver for a transportation network company during any period  
34 in which the person provides transportation services pursuant to  
35 chapter 706A of NRS in a county where the Taxicab Authority has  
36 jurisdiction pursuant to NRS 706.881 as follows:

37 (a) The enforcement jurisdiction of the ~~[Taxicab Authority]~~  
38 *Compliance Enforcement Division* over a person who is a driver  
39 for a transportation network company is limited to enforcement of  
40 the provisions of subsection 1 of NRS 706A.280, except that such  
41 jurisdiction does not include enforcement of any violation or other  
42 matter which requires the ~~[Taxicab Authority]~~ *Division* to review or  
43 investigate the digital network or software application service of the  
44 transportation network company through which the driver is  
45 connected to potential passengers.



(b) A written administrative citation issued by the ~~Taxicab Authority~~ *Compliance Enforcement Division* to 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. 78.** NRS 706.88185 is hereby amended to read as follows:

706.88185 1. When the Taxicab Authority has reason to believe that any provision of NRS 706.881 to 706.885, inclusive, is being violated, the Taxicab Authority shall *direct the Compliance Enforcement Division to* investigate the alleged violation. After *receiving a report from the Division and* a hearing, the Taxicab Authority may issue an order requiring that the certificate holder cease and desist from any action that is in violation of NRS 706.881 to 706.885, inclusive.

2. The ~~Taxicab Authority~~ *Compliance Enforcement Division* shall enforce an order issued pursuant to subsection 1 in accordance with the provisions of NRS 706.881 to 706.885, inclusive.

**Sec. 79.** NRS 706.8827 is hereby amended to read as follows:  
706.8827 1. A person shall not engage in the taxicab business unless the person:

(a) Holds a certificate of public convenience and necessity from the Public Service Commission of Nevada issued before July 1, 1981, which has not been transferred, revoked or suspended by the Taxicab Authority; or

(b) Currently holds a certificate of public convenience and necessity from the Taxicab Authority as provided in this section.

2. Upon the filing of an application for a certificate of public convenience and necessity, the Taxicab Authority shall fix a time and place for a hearing thereon. The Taxicab Authority shall issue the certificate if it finds that:

(a) The applicant is fit, willing and able to perform the services of a taxicab motor carrier;

(b) The proposed operation will be consistent with the legislative policies set forth in NRS 706.151;

(c) The granting of the certificate will not unreasonably and adversely affect other carriers operating in the territory for which the certificate is sought;

(d) The holders of existing certificates will not meet the needs of the territory for which the certificate is sought if the certificate is not granted; and

(e) The proposed service will benefit the public and the taxicab business in the territory to be served.

3. The applicant for a certificate has the burden of proving to the Taxicab Authority that the proposed operation will meet the



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requirements of subsection 2. The Taxicab Authority shall not find that the potential creation of competition in a territory which may be caused by the granting of a certificate, by itself, will unreasonably and adversely affect other carriers operating in the territory for the purposes of paragraph (c) of subsection 2.

4. The applicant must submit an application fee of \$200, which must not be refunded, with the application. The applicant must also pay those amounts which are billed to the applicant by the Authority for reasonable costs incurred by it in ~~conducting~~ *requesting* an investigation *by the Compliance Enforcement Division* or *conducting a* hearing regarding the applicant.

5. The Taxicab Authority may attach to the exercise of the rights granted by the certificate any terms and conditions which in its judgment the public interest may require.

6. The Taxicab Authority may dispense with the hearing on the application if, upon the expiration of the time fixed in the notice of the hearing, no protest against the granting of the certificate has been filed by or on behalf of any person.

7. Any person who has been denied a certificate of public convenience and necessity after a hearing may not file a similar application with the Taxicab Authority covering the same type of service and over the same route or routes or in the same territory for which the certificate of public convenience and necessity was denied except after the expiration of 180 days from the date the certificate was denied.

**Sec. 80.** NRS 706.8829 is hereby amended to read as follows:

706.8829 1. A certificate holder shall maintain a uniform system of accounts in which all business transacted by the certificate holder is recorded. The accounts must be:

(a) Kept in a form prescribed by the Taxicab Authority;

(b) Before May 15 of each year, submitted to the Taxicab Authority in an annual report in the form and detail prescribed by the Taxicab Authority;

(c) Retained for a period of 3 years after their receipt back from the Taxicab Authority; and

(d) Supplemented with such additional information as the Taxicab Authority may require.

2. The Taxicab Authority may *direct the Compliance Enforcement Division to* examine the books, accounts, records, minutes and papers of a certificate holder at any reasonable time to determine their correctness and whether they are maintained in accordance with the regulations adopted by the Taxicab Authority.

3. If a certificate holder fails to comply with any provision of this section in a timely manner, the Administrator, after hearing, may impose a fine of not more than \$1,000, commence proceedings



1 to suspend or revoke the certificate of public convenience and  
2 necessity of the certificate holder, or both impose a fine and  
3 commence such proceedings.

4 **Sec. 81.** NRS 706.883 is hereby amended to read as follows:

5 706.883 1. A certificate holder shall maintain at the  
6 certificate holder's principal place of business:

7 (a) A record of the make and serial number of each taxicab;

8 (b) A maintenance record for each taxicab; and

9 (c) A copy of the medical certificates of each of the certificate  
10 holder's drivers.

11 2. The records of a certificate holder shall be open for  
12 inspection by the ~~[Administrator or the Taxicab Authority]~~  
13 *Compliance Enforcement Division* at any reasonable time.

14 **Sec. 82.** NRS 706.8839 is hereby amended to read as follows:

15 706.8839 1. The ~~[Administrator]~~ *Compliance Enforcement*  
16 *Division* shall inspect each taxicab not more than once each year.

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

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

32 **Sec. 83.** NRS 706.88395 is hereby amended to read as  
33 follows:

34 706.88395 1. A vehicle used as a taxicab, limousine or other  
35 passenger vehicle in passenger service must be impounded by the  
36 ~~[Administrator]~~ *Compliance Enforcement Division on behalf of*  
37 *the Administrator* if a certificate of public convenience and  
38 necessity has not been issued authorizing its operation. A hearing  
39 must be held by the Administrator no later than the conclusion of  
40 the second normal business day after impoundment, weekends and  
41 holidays excluded. As soon as practicable after impoundment, the  
42 Administrator shall notify the registered owner of the vehicle:

43 (a) That the registered owner of the vehicle must post a bond in  
44 the amount of \$20,000 to ensure the registered owner's presence at  
45 all proceedings held pursuant to this section;



1 (b) Of the time set for the hearing; and  
2 (c) Of the registered owner's right to be represented by counsel  
3 during all phases of the proceedings.

4 2. The Administrator shall hold the vehicle until the registered  
5 owner of the vehicle appears and:

6 (a) Proves that the person is the registered owner of the vehicle;

7 (b) Proves that the person holds a valid certificate of public  
8 convenience and necessity;

9 (c) Proves that the vehicle meets all required standards of the  
10 Authority; and

11 (d) Posts a bond in the amount of \$20,000 with the  
12 Administrator.

13 ➤ The Administrator shall return the vehicle to its registered owner  
14 when the owner meets the requirements of this subsection and pays  
15 all costs of impoundment.

16 3. If the registered owner is unable to meet the requirements of  
17 paragraph (b) or (c) of subsection 2, the Administrator may assess  
18 an administrative fine against the registered owner for each such  
19 violation in the amount of \$5,000. The maximum amount of the  
20 administrative fine that may be assessed against a registered owner  
21 for a single impoundment of the registered owner's vehicle pursuant  
22 to this section is \$10,000. The Administrator shall return the vehicle  
23 after any administrative fine imposed pursuant to this subsection and  
24 all costs of impoundment have been paid.

25 **Sec. 84.** NRS 706.8841 is hereby amended to read as follows:

26 706.8841 1. The Administrator shall issue a driver's permit  
27 to qualified persons who wish to be employed by certificate holders  
28 as taxicab drivers. Before issuing a driver's permit, the  
29 Administrator shall:

30 (a) Require the applicant to submit a complete set of the  
31 applicant's fingerprints which the Administrator may forward to the  
32 Central Repository for Nevada Records of Criminal History for  
33 submission to the Federal Bureau of Investigation to ascertain  
34 whether the applicant has a criminal record and the nature of any  
35 such record, and shall *direct the Compliance Enforcement Division*  
36 *to* further investigate the applicant's background; and

37 (b) Require proof that the applicant:

38 (1) Is a resident of this State or a state that adjoins the county  
39 in which the applicant has applied for a driver's permit;

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

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

44 2. The Administrator may refuse to issue a driver's permit if  
45 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 *receiving a report from the Compliance Enforcement Division about* 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. 85.** 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) 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) Except as otherwise provided in subsection 5, the time at which the driver ended the period of duty by means of 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.

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~~ *Compliance Enforcement Division* upon reasonable demand.

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

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 by maintaining the information collected from the daily trip sheet in a secure database and providing the ~~Administrator~~ *Compliance Enforcement Division* with access to the information in the database at regular intervals established by the ~~Administrator~~ *Division* and upon reasonable demand.

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. 86.** NRS 706.885 is hereby amended to read as follows:

706.885 1. Any person who knowingly makes or causes to be made, either directly or indirectly, a false statement on an application, account or other statement required by the Taxicab Authority ~~for~~, the Administrator *or the Compliance Enforcement Division* or who violates any of the provisions of NRS 706.881 to 706.885, inclusive, is guilty of a misdemeanor.

2. The Taxicab Authority or Administrator may at any time, for good cause shown and upon at least 5 days' notice to the grantee of any certificate or driver's permit, and after a hearing unless waived by the grantee, penalize the grantee of a certificate to a maximum





1 amount of \$15,000 or penalize the grantee of a driver's permit to a  
2 maximum amount of \$500 or suspend or revoke the certificate or  
3 driver's permit granted by the Taxicab Authority or Administrator,  
4 respectively, for:

5 (a) Any violation of any provision of NRS 706.881 to 706.885,  
6 inclusive, or any regulation of the Taxicab Authority or  
7 Administrator.

8 (b) Knowingly permitting or requiring any employee to violate  
9 any provision of NRS 706.881 to 706.885, inclusive, or any  
10 regulation of the Taxicab Authority or Administrator.

11 ➤ If a penalty is imposed on the grantee of a certificate pursuant to  
12 this section, the Taxicab Authority or Administrator may require the  
13 grantee to pay the costs of the proceeding, including investigative  
14 costs and attorney's fees.

15 3. When a driver or certificate holder fails to appear at the time  
16 and place stated in the notice for the hearing, the Administrator shall  
17 enter a finding of default. Upon a finding of default, the  
18 Administrator may suspend or revoke the license, permit or  
19 certificate of the person who failed to appear and impose the  
20 penalties provided in this chapter. For good cause shown, the  
21 Administrator may set aside a finding of default and proceed with  
22 the hearing.

23 4. Any person who operates or permits a taxicab to be operated  
24 in passenger service without a certificate of public convenience and  
25 necessity issued pursuant to NRS 706.8827, is guilty of a gross  
26 misdemeanor. If a law enforcement officer witnesses a violation of  
27 this subsection, the law enforcement officer may cause the vehicle  
28 to be towed immediately from the scene.

29 5. The conviction of a person pursuant to subsection 1 does not  
30 bar the Taxicab Authority or Administrator from suspending or  
31 revoking any certificate, permit or license of the person convicted.  
32 The imposition of a fine or suspension or revocation of any  
33 certificate, permit or license by the Taxicab Authority or  
34 Administrator does not operate as a defense in any proceeding  
35 brought under subsection 1.

36 **Sec. 87.** NRS 706A.050 is hereby amended to read as follows:  
37 706A.050 "Transportation network company" or "company"  
38 means an entity that uses a digital network or software application  
39 service to connect a passenger to a driver who can provide  
40 transportation services to the passenger. *The term does not include*  
41 *a transportation workers cooperative formed pursuant to the*  
42 *provisions of sections 2 to 35, inclusive, of this act.*

43 **Sec. 88.** NRS 712.060 is hereby amended to read as follows:  
44 712.060 The ~~[Nevada Transportation Authority]~~ *Compliance*  
45 *Enforcement Division* or its agents may:



1 1. Inspect any property proposed to be used for storage of  
2 household goods and effects to determine its suitability.

3 2. Examine the premises, books and records of any permit  
4 holder.

5 **Sec. 89.** NRS 712.070 is hereby amended to read as follows:

6 712.070 The Nevada Transportation Authority , *in*  
7 *consultation with the Compliance Enforcement Division*, shall  
8 adopt such rules or regulations as may be required for the  
9 administration of this chapter.

10 **Sec. 90.** NRS 200.471 is hereby amended to read as follows:

11 200.471 1. As used in this section:

12 (a) "Assault" means:

13 (1) Unlawfully attempting to use physical force against  
14 another person; or

15 (2) Intentionally placing another person in reasonable  
16 apprehension of immediate bodily harm.

17 (b) "Fire-fighting agency" has the meaning ascribed to it in  
18 NRS 239B.020.

19 (c) "Officer" means:

20 (1) A person who possesses some or all of the powers of a  
21 peace officer;

22 (2) A person employed in a full-time salaried occupation of  
23 fire fighting for the benefit or safety of the public;

24 (3) A member of a volunteer fire department;

25 (4) A jailer, guard or other correctional officer of a city or  
26 county jail;

27 (5) A justice of the Supreme Court, judge of the Court of  
28 Appeals, district judge, justice of the peace, municipal judge,  
29 magistrate, court commissioner, master or referee, including a  
30 person acting pro tempore in a capacity listed in this subparagraph;

31 (6) An employee of this State or a political subdivision of  
32 this State whose official duties require the employee to make home  
33 visits;

34 (7) A civilian employee or a volunteer of a law enforcement  
35 agency whose official duties require the employee or volunteer to:

36 (I) Interact with the public;

37 (II) Perform tasks related to law enforcement; and

38 (III) Wear identification, clothing or a uniform that  
39 identifies the employee or volunteer as working or volunteering for  
40 the law enforcement agency;

41 (8) A civilian employee or a volunteer of a fire-fighting  
42 agency whose official duties require the employee or volunteer to:

43 (I) Interact with the public;

44 (II) Perform tasks related to fire fighting or fire  
45 prevention; and



(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(9) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) ~~["Taxicab" has the meaning ascribed to it in NRS 706.8816. —(i)]~~ "Taxicab driver" means a person who operates a taxicab ~~[~~ *pursuant to chapter 706 of NRS or sections 2 to 35, inclusive, of this act.*

~~[(i)]~~ (i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:



(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

**Sec. 91.** NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.



(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(6) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(7) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(8) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(9) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

(f) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.



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(g) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(h) "Sports official" has the meaning ascribed to it in NRS 41.630.

(i) "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

~~(j) ["Taxicab" has the meaning ascribed to it in NRS 706.8816. —(k)]~~ "Taxicab driver" means a person who operates a taxicab ~~[-]~~ pursuant to chapter 706 of NRS or sections 2 to 35, inclusive, of this act.

~~[(+)]~~ (k) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who was performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

➤ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer,



1 provider of health care, school employee, taxicab driver, transit  
2 operator or sports official, for a gross misdemeanor, except under  
3 circumstances where a greater penalty is provided in this section.

4 (e) If the battery is committed with the use of a deadly weapon,  
5 and:

6 (1) No substantial bodily harm to the victim results, for a  
7 category B felony by imprisonment in the state prison for a  
8 minimum term of not less than 2 years and a maximum term of not  
9 more than 10 years, and may be further punished by a fine of not  
10 more than \$10,000.

11 (2) Substantial bodily harm to the victim results or the  
12 battery is committed by strangulation, for a category B felony by  
13 imprisonment in the state prison for a minimum term of not less  
14 than 2 years and a maximum term of not more than 15 years, and  
15 may be further punished by a fine of not more than \$10,000.

16 (f) If the battery is committed by a probationer, a prisoner who  
17 is in lawful custody or confinement or a parolee, without the use of  
18 a deadly weapon, whether or not substantial bodily harm results and  
19 whether or not the battery is committed by strangulation, for a  
20 category B felony by imprisonment in the state prison for a  
21 minimum term of not less than 1 year and a maximum term of not  
22 more than 6 years.

23 (g) If the battery is committed by a probationer, a prisoner who  
24 is in lawful custody or confinement or a parolee, with the use of a  
25 deadly weapon, and:

26 (1) No substantial bodily harm to the victim results, for a  
27 category B felony by imprisonment in the state prison for a  
28 minimum term of not less than 2 years and a maximum term of not  
29 more than 10 years.

30 (2) Substantial bodily harm to the victim results or the  
31 battery is committed by strangulation, for a category B felony by  
32 imprisonment in the state prison for a minimum term of not less  
33 than 2 years and a maximum term of not more than 15 years.

34 **Sec. 92.** Chapter 232 of NRS is hereby amended by adding  
35 thereto the provisions set forth as sections 93 and 94 of this act.

36 **Sec. 93. 1. *The Administrator of the Compliance***  
37 ***Enforcement Division shall appoint, with the consent of the***  
38 ***Director:***

39 ***(a) A Deputy Administrator.***

40 ***(b) Compliance Enforcement Investigators.***

41 ***(c) Dispatchers.***

42 ***(d) Administrative services personnel.***

43 **2. *The Administrator, Deputy Administrator and Compliance***  
44 ***Enforcement Investigators must be certified category II peace***  
45 ***officers.***





**Sec. 94.** *The Compliance Enforcement Division shall enforce the provisions of chapter 706 of NRS and sections 2 to 35, inclusive, of this act and any regulations adopted pursuant thereto. The Division:*

*1. Shall consult with the Nevada Transportation Authority and the Taxicab Authority in carrying out its duties.*

*2. Shall be responsive to direction and requests for assistance from the Nevada Transportation Authority and the Taxicab Authority in carrying out its duties.*

*3. May request assistance from or assist local law enforcement, the Department of Motor Vehicles and the Department of Public Safety in carrying out its duties.*

*4. May, in consultation with the Taxicab Authority, adopt regulations necessary to administer the duties of the Division in enforcing the provisions of NRS 706.8811 to 706.885, inclusive, and sections 2 to 35, inclusive, of this act.*

*5. May, in consultation with the Nevada Transportation Authority, adopt regulations necessary to administer the duties of the Division in enforcing the provisions of NRS 706.011 to 706.791, inclusive.*

**Sec. 95.** NRS 232.510 is hereby amended to read as follows:

232.510 1. The Department of Business and Industry is hereby created.

2. The Department consists of a Director and the following:

(a) Division of Financial Institutions.

(b) Housing Division.

(c) Real Estate Division.

(d) Division of Insurance.

(e) Division of Industrial Relations.

(f) Office of Labor Commissioner.

(g) Taxicab Authority.

(h) Nevada Athletic Commission.

(i) Office of the Nevada Attorney for Injured Workers.

(j) Nevada Transportation Authority.

(k) Division of Mortgage Lending.

(l) ***Compliance Enforcement Division.***

***(m)*** Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute.

**Sec. 96.** NRS 232.520 is hereby amended to read as follows:

232.520 The Director:

1. Shall appoint a chief or executive director, or both of them, of each of the divisions, offices, commissions, boards, agencies or



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1 other entities of the Department, unless the authority to appoint such  
2 a chief or executive director, or both of them, is expressly vested in  
3 another person, board or commission by a specific statute. In  
4 making the appointments, the Director may obtain lists of qualified  
5 persons from professional organizations, associations or other  
6 groups recognized by the Department, if any. The chief of the  
7 Division of Financial Institutions is the Commissioner of Financial  
8 Institutions, the chief of the Housing Division is the Administrator  
9 of the Housing Division, the chief of the Real Estate Division is the  
10 Real Estate Administrator, the chief of the Division of Insurance is  
11 the Commissioner of Insurance, the chief of the Division of  
12 Industrial Relations is the Administrator of the Division of  
13 Industrial Relations, the chief of the Office of Labor Commissioner  
14 is the Labor Commissioner, the chief of the Taxicab Authority is the  
15 Taxicab Administrator, the chief of the Nevada Transportation  
16 Authority is the Chair of the Authority, the chief of the Division of  
17 Mortgage Lending is the Commissioner of Mortgage Lending , *the*  
18 *chief of the Compliance Enforcement Division is the*  
19 *Administrator*, and the chief of any other entity of the Department  
20 has the title specified by the Director, unless a different title is  
21 specified by a specific statute.

22 2. Is responsible for the administration of all provisions of law  
23 relating to the jurisdiction, duties and functions of all divisions and  
24 other entities within the Department. The Director may, if he or she  
25 deems it necessary to carry out his or her administrative  
26 responsibilities, be considered as a member of the staff of any  
27 division or other entity of the Department for the purpose of budget  
28 administration or for carrying out any duty or exercising any power  
29 necessary to fulfill the responsibilities of the Director pursuant to  
30 this subsection. This subsection does not allow the Director to  
31 preempt any authority or jurisdiction granted by statute to any  
32 division or other entity within the Department or to act or take on a  
33 function that would contravene a rule of court or a statute.

34 3. May:

35 (a) Establish uniform policies for the Department, consistent  
36 with the policies and statutory responsibilities and duties of the  
37 divisions and other entities within the Department, relating to  
38 matters concerning budgeting, accounting, planning, program  
39 development, personnel, information services, dispute resolution,  
40 travel, workplace safety, the acceptance of gifts or donations, the  
41 management of records and any other subject for which a uniform  
42 departmental policy is necessary to ensure the efficient operation of  
43 the Department.

44 (b) Provide coordination among the divisions and other entities  
45 within the Department, in a manner which does not encroach upon



1 their statutory powers and duties, as they adopt and enforce  
2 regulations, execute agreements, purchase goods, services or  
3 equipment, prepare legislative requests and lease or use office space.

4 (c) Define the responsibilities of any person designated to carry  
5 out the duties of the Director relating to financing, industrial  
6 development or business support services.

7 4. May, within the limits of the financial resources made  
8 available to the Director, promote, participate in the operation of,  
9 and create or cause to be created, any nonprofit corporation,  
10 pursuant to chapter 82 of NRS, which he or she determines is  
11 necessary or convenient for the exercise of the powers and duties of  
12 the Department. The purposes, powers and operation of the  
13 corporation must be consistent with the purposes, powers and duties  
14 of the Department.

15 5. For any bonds which the Director is otherwise authorized to  
16 issue, may issue bonds the interest on which is not exempt from  
17 federal income tax or excluded from gross revenue for the purposes  
18 of federal income tax.

19 6. May, except as otherwise provided by specific statute, adopt  
20 by regulation a schedule of fees and deposits to be charged in  
21 connection with the programs administered by the Director pursuant  
22 to chapters 348A and 349 of NRS. Except as otherwise provided by  
23 specific statute, the amount of any such fee or deposit must not  
24 exceed 2 percent of the principal amount of the financing.

25 7. May designate any person within the Department to perform  
26 any of the duties or responsibilities, or exercise any of the authority,  
27 of the Director on his or her behalf.

28 8. May negotiate and execute agreements with public or private  
29 entities which are necessary to the exercise of the powers and duties  
30 of the Director or the Department.

31 9. May establish a trust account in the State Treasury for  
32 depositing and accounting for money that is held in escrow or is on  
33 deposit with the Department for the payment of any direct expenses  
34 incurred by the Director in connection with any bond programs  
35 administered by the Director. The interest and income earned on  
36 money in the trust account, less any amount deducted to pay for  
37 applicable charges, must be credited to the trust account. Any  
38 balance remaining in the account at the end of a fiscal year may be:

39 (a) Carried forward to the next fiscal year for use in covering the  
40 expense for which it was originally received; or

41 (b) Returned to any person entitled thereto in accordance with  
42 agreements or regulations of the Director relating to those bond  
43 programs.



**Sec. 97.** NRS 268.097 is hereby amended to read as follows:

268.097 1. Except as otherwise provided in subsections 2 and 3, notwithstanding the provisions of any local, special or general law, after July 1, 1963, the governing body of any incorporated city in this State, whether incorporated by general or special act, or otherwise, may not supervise or regulate any taxicab motor carrier as defined in NRS 706.126 which is under the supervision and regulation of the Nevada Transportation Authority pursuant to law.

2. The governing body of any incorporated city in this State, whether incorporated by general or special act, or otherwise, may fix, impose and collect a license tax on and from a taxicab motor carrier *as defined in NRS 706.126* for revenue purposes only.

3. The governing body of any incorporated city in any county in which the provisions of NRS 706.8811 to 706.885, inclusive, do not apply, whether incorporated by general or special act, or otherwise, may regulate by ordinance the qualifications required of employees or lessees of a taxicab motor carrier in a manner consistent with the regulations adopted by the Nevada Transportation Authority.

**Sec. 98.** NRS 289.320 is hereby amended to read as follows:

289.320 An employee of the ~~Nevada Transportation Authority~~ *Compliance Enforcement Division* whom it designates as an inspector is a peace officer and has police power for the enforcement of the provisions of:

1. Chapters 706 and 712 of NRS and all regulations of the Nevada Transportation Authority or the Department of Motor Vehicles pertaining thereto; and

2. Chapter 482 of NRS and NRS 483.230, 483.350 and 483.530 to 483.620, inclusive, for the purposes of carrying out the provisions of chapter 706 of NRS.

**Sec. 99.** NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;

2. Subject to the provisions of NRS 258.070, constables and their deputies;

3. *Compliance Enforcement* Inspectors employed by the ~~Nevada Transportation Authority~~ *Compliance Enforcement Division* who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS ~~and~~ *and the provisions of sections 2 to 35, inclusive, of this act.*

4. Special investigators who are employed full-time by the office of any district attorney or the Attorney General;



5. Investigators of arson for fire departments who are specially designated by the appointing authority;

6. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;

7. The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;

8. Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;

9. School police officers employed by the board of trustees of any county school district;

10. Agents of the Nevada Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

11. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

12. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

13. Legislative police officers of the State of Nevada;

14. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

15. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

~~16. Field investigators of the Taxicab Authority;~~

~~—17.~~ Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

~~18.~~ 17. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

~~19.~~ 18. Criminal investigators who are employed by the Secretary of State; and

~~20.~~ 19. The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.



**Sec. 100.** NRS 372B.060 is hereby amended to read as follows:

372B.060 "Taxicab" has the meaning ascribed to it in NRS ~~[706.8816.]~~ **706.124.**

**Sec. 101.** NRS 480.350 is hereby amended to read as follows:  
480.350 Personnel appointed for duty in the Nevada Highway Patrol must:

1. Be persons qualified at the time of their appointment with the knowledge of all traffic laws of this State and the provisions of chapters 482, 483 and 706 of NRS ~~[ ]~~ **and sections 2 to 35, inclusive, of this act.**

2. Be versed in all laws relating to the powers of police officers as to traffic law violations and other offenses committed over and along the highways of this State.

**Sec. 102.** NRS 480.360 is hereby amended to read as follows:  
480.360 The duties of the personnel of the Nevada Highway Patrol include, without limitation:

1. To police the public highways of this State, to enforce and to aid in enforcing thereon all the traffic laws of the State of Nevada and to enforce all other laws of this State when:

(a) In the apprehension or pursuit of an offender or suspected offender;

(b) Making arrests for crimes committed in their presence or upon or adjacent to the highways of this State; or

(c) Making arrests pursuant to a warrant in the officer's possession or communicated to the officer.

2. To investigate crashes on all primary and secondary highways within the State of Nevada resulting in personal injury, property damage or death, and to gather evidence to prosecute any person guilty of any violation of the law contributing to the happening of such a crash.

3. In conjunction with the Department of Motor Vehicles, to enforce the provisions of chapters 365, 366, 408, 482 to 486, inclusive, 487 and 706 of NRS ~~[ ]~~ **and sections 2 to 35, inclusive, of this act.**

4. To enforce the provisions of laws and regulations relating to motor carriers, the safety of their vehicles and equipment, and their transportation of hazardous materials and other cargo.

5. To maintain the repository for information concerning hazardous materials in Nevada and to carry out its duties pursuant to chapter 459 of NRS concerning the transportation of hazardous materials.

6. To perform such other duties in connection with those specified in this section as may be imposed by the Director.



1     **Sec. 103.** NRS 694C.360 is hereby amended to read as  
2 follows:

3     694C.360 Insurance provided by a captive insurer in  
4 accordance with this chapter may not be used to satisfy the  
5 requirements set forth in chapter 706 of NRS *or sections 2 to 35,*  
6 *inclusive, of this act* relating to the insurance required to be  
7 maintained by vehicles subject to the jurisdiction of the Nevada  
8 Transportation Authority or Taxicab Authority, unless the Nevada  
9 Transportation Authority or Taxicab Authority, as appropriate,  
10 specifically approves the use of insurance provided by a captive  
11 insurer for that purpose.

12     **Sec. 104.** NRS 690B.450 is hereby amended to read as  
13 follows:

14     690B.450 The provisions of NRS 690B.400 to 690B.495,  
15 inclusive, do not apply to a person who is regulated pursuant to  
16 chapter 704 or 706 of NRS *or sections 2 to 35, inclusive, of this act*  
17 unless the person holds a permit issued pursuant to NRS 706A.130.

18     **Sec. 105.** NRS 289.340, 706.048 and 706.178 are hereby  
19 repealed.

20     **Sec. 106.** The Compliance Enforcement Division, created by  
21 amendatory provisions of section 95 of this act, shall:

22     1. Prepare and draft an annual compliance enforcement plan  
23 which must include, without limitation, data outlining the number  
24 and type of enforcement activities:

25         (a) Carried out during the preceding year; and

26         (b) Planned or projected for the upcoming year.

27     2. Submit a copy of the plan, on or before February 15 of each  
28 year, to the Governor and the Director of the Legislative Counsel  
29 Bureau for transmittal to:

30         (a) The Legislature, if the Legislature is in session; or

31         (b) If the Legislature is not in session, to the Legislative  
32 Commission.

33     **Sec. 107.** As soon as practicable after the effective date of this  
34 act, the Department of Business and Industry shall, to the extent  
35 possible, transfer those employees of the Nevada Transportation  
36 Authority and the Taxicab Authority who are qualified for the  
37 positions required by the provisions of section 93 of this act for the  
38 Compliance Enforcement Division to those positions.





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**TEXT OF REPEALED SECTIONS**

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**289.340 Taxicab field investigator or airport control officer designated by Taxicab Administrator; enforcement of certain provisions governing transportation network companies.** An employee designated by the Taxicab Administrator as:

1. A taxicab field investigator is a peace officer for the purposes of enforcing the provisions of chapter 706 of NRS. Such an investigator enforcing the provisions of subsection 1 of NRS 706A.280 pursuant to NRS 706.8818 must have probable cause that a driver is violating subsection 1 of NRS 706A.280 to initiate a traffic stop of the driver's vehicle.

2. An airport control officer is a peace officer only when on duty at the airport.

**706.048 "Compliance enforcement officer" defined.** "Compliance enforcement officer" means a person employed pursuant to NRS 706.176 whose duties include enforcing certain state statutes and regulations pertaining to motor carriers.

**706.178 Regulations concerning training of compliance enforcement officers.** The Authority shall adopt regulations setting forth the training which a compliance enforcement officer employed by the Authority pursuant to NRS 706.176 must complete, including, without limitation, training in commercial vehicle safety inspections provided by the Nevada Highway Patrol.

