

Amendment No. 705

Senate Amendment to Assembly Bill No. 444 Second Reprint (BDR 58-1020)

Proposed by: Senator D. Harris

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

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

EGO



Date: 5/20/2021

A.B. No. 444—Revises provisions governing limousines. (BDR 58-1020)



ASSEMBLY BILL NO. 444—COMMITTEE
ON GROWTH AND INFRASTRUCTURE

MARCH 29, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing limousines. (BDR 58-1020)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to limousines; authorizing a transportation network company to contract with a limousine motor carrier to provide limousine services through the use of the digital network or software application service of the transportation network company; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a transportation network company to enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company. (NRS 706A.160) **Section 5** of this bill authorizes a transportation network company to enter into a contract with certain limousine motor carriers who hold a certificate of public convenience and necessity to operate a limousine to allow drivers employed by the limousine motor carrier to receive connections to potential passengers from the transportation network company in exchange for the payment of a fee by the limousine motor carrier. **Section 5** requires a limousine motor carrier that has entered into such a contract to notify the transportation network company of any change in the status of the certificate of public convenience and necessity of the limousine motor carrier. **Section 5** applies certain excise taxes imposed on transportation network companies to limousine services provided pursuant to a contract with a transportation network company. **Sections 2-4** of this bill define terms relating to limousines.

Section 7 of this bill amends the term "driver" as used in the provisions of NRS governing transportation network companies to exclude a limousine driver providing limousine services pursuant to a contract between a transportation network company and a limousine motor carrier.

Sections 8-10 of this bill make conforming changes to reflect that a limousine driver and limousine motor carrier that provide limousine services pursuant to a contract with a transportation network company remain subject to the provisions of NRS governing motor carriers.

Existing law requires a transportation network company to obtain certain information concerning a driver before allowing the driver to be connected to potential passengers. (NRS 706A.160) **Section 11** of this bill exempts a limousine driver who is providing limousine services pursuant to an agreement with a limousine motor carrier from these requirements.

Section 11.5 of this bill authorizes a transportation network company to charge a fare on behalf of a limousine motor carrier for limousine services provided pursuant to a contract with the company and requires the method of calculating the fare and, if a passenger elects to receive it, an estimate of the fare to be disclosed by the transportation network company

before the passenger enters the limousine of the limousine driver. **Section 11.5** also prohibits a limousine driver when providing limousine services from soliciting or accepting cash as payment of the fare.

Section 12 of this bill requires a transportation network company to transmit to a passenger a photo of the limousine driver who will be providing limousine services and the license plate of the limousine before the passenger enters the limousine.

Section 13 of this bill requires a transportation network company to transmit an electronic receipt to a passenger who receives limousine services through the transportation network company.

Section 14 of this bill authorizes a transportation network company to transmit the name and telephone number of a passenger to a limousine driver for the purposes of correctly identifying and communicating with the passenger.

Section 14.5 of this bill : (1) prohibits a local governmental entity, with certain exceptions, from imposing any tax or fee or imposing certain requirements on a limousine motor carrier that has entered into a contract with a transportation network company or ~~imposing certain other requirements on~~ a limousine driver when providing limousine services ~~;~~ ; and (2) authorizes a local government or airport to require a limousine motor carrier that has entered into a contract with a transportation network company or a limousine driver who provides limousine services to obtain a local business license or comply with certain requirements to operate at the airport.

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

Section 1. Chapter 706A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *“Limousine driver” means a person who has been issued a driver’s permit by the Authority pursuant to NRS 706.462 and is employed or under a contract to operate a limousine for a limousine motor carrier.*

Sec. 3. *“Limousine motor carrier” means a motor carrier who has obtained a certificate of public convenience and necessity to operate a limousine which does not limit the number of limousines that the motor carrier is authorized to operate.*

Sec. 4. *“Limousine services” means the transportation in a limousine by a limousine driver of one or more passengers between points chosen by the passenger or passengers and prearranged through the use of the digital network or software application service of a transportation network company. The term includes only the period beginning when a limousine driver accepts a request by a passenger for transportation through the digital network or software application service of a transportation network company and ending when the last such passenger fully disembarks from the limousine operated by the limousine driver.*

Sec. 5. 1. *A transportation network company may enter into a contract with a limousine motor carrier whereby limousine drivers employed by the limousine motor carrier may receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee by the limousine motor carrier to the transportation network company.*

2. *Notwithstanding any contract entered into pursuant to subsection 1, a limousine motor carrier shall not provide limousine services through a transportation network company unless the transportation network company holds a valid permit issued by the Authority pursuant to this chapter.*

3. *A limousine motor carrier which enters into a contract pursuant to subsection 1:*

(a) *Remains subject to the provisions of chapter 706 of NRS and any regulations adopted pursuant thereto, including with respect to limousine services provided pursuant to a contract entered into pursuant to subsection 1.*

(b) *Shall notify the transportation network company of any change in the status of the certificate of public convenience and necessity of the limousine motor carrier within 24 hours after the limousine motor carrier receives notice of or becomes aware of such a change.*

4. *The fare charged for the transportation of a passenger by a limousine driver pursuant to a contract entered into pursuant to subsection 1 is subject to the excise tax imposed pursuant to NRS 372B.140 and exempt from the excise tax imposed pursuant to NRS 372B.150.*

Sec. 6. NRS 706A.020 is hereby amended to read as follows:

706A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 706A.030 to 706A.060, inclusive, *and sections 2, 3 and 4 of this act*, have the meanings ascribed to them in those sections.

Sec. 7. NRS 706A.040 is hereby amended to read as follows:

706A.040 "Driver" ~~means~~:

1. *Means* a natural person who:

~~(1)~~ (a) Operates a motor vehicle that is owned, leased or otherwise authorized for use by the person; and

~~(2)~~ (b) Enters into an agreement with a transportation network company to receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee to the transportation network company.

2. *Does not include a limousine driver who provides limousine services under a contract entered into pursuant to section 5 of this act.*

Sec. 8. NRS 706A.075 is hereby amended to read as follows:

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

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

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

(b) Except as otherwise provided in NRS 706.88396 ~~and~~ *and section 5 of this act*, the provisions of chapter 706 of NRS,

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

Sec. 9. NRS 706A.110 is hereby amended to read as follows:

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

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

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies and drivers who operate or wish to operate within this State. Except as otherwise provided in NRS 706.88396 ~~and~~ *and section 5 of this act*, the Authority shall not apply any provision of chapter 706 of NRS to a transportation network company or a driver who

operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 10. NRS 706A.130 is hereby amended to read as follows:

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

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

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

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) Except as otherwise provided in NRS 706.88396 ~~and~~ *and section 5 of this act*, does not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

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

Sec. 11. NRS 706A.160 is hereby amended to read as follows:

706A.160 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

2. Before a transportation network company allows a person to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company, *except for a contract entered into pursuant to section 5 of this act*, the company must:

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

(1) The name, age and address of the applicant.

(2) A copy of the driver's license of the applicant.

(3) A record of the driving history of the applicant.

(4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.

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

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

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

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

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

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

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

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

7 (c) The applicant provides proof that the motor vehicle operated by him or her
8 is registered with the Department of Motor Vehicles unless the applicant is exempt
9 from the requirement to register the motor vehicle in this State pursuant to NRS
10 482.385.

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

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

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

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

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

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

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

34 4. A driver shall, not later than 6 months after a transportation network
35 company allows the driver to be connected to potential passengers using the digital
36 network or software application service of the company pursuant to an agreement
37 with the company and annually thereafter, on or before the anniversary date of that
38 agreement, provide to the company verification that the driver holds a valid state
39 business license pursuant to chapter 76 of NRS. Such verification may consist of
40 the business identification number assigned by the Secretary of State to the driver
41 upon compliance with the provisions of chapter 76 of NRS.

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

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

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

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

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

(e) Fails to comply with the provisions of subsection 4.

Sec. 11.5. NRS 706A.170 is hereby amended to read as follows:

706A.170 1. In accordance with the provisions of this chapter, a transportation network company which holds a valid permit issued by the Authority pursuant to this chapter may, on behalf of a driver ~~or a~~ *or a limousine motor carrier with which the company has entered into a contract pursuant to section 5 of this act*, charge a fare for transportation services *or limousine services* provided to a passenger by the driver ~~or a~~ *or limousine driver*.

2. If a fare is charged, the company must disclose the rates charged by the company and the method by which the amount of a fare is calculated:

(a) On an Internet website maintained by the company; or

(b) Within the digital network or software application service of the company.

3. If a fare is charged, the company must offer to each passenger the option to receive, before the passenger enters the motor vehicle of a driver ~~or a~~ *or limousine of a limousine driver*, an estimate of the amount of the fare that will be charged to the passenger.

4. A transportation network company may accept payment of a fare only electronically. A transportation network company or a driver *or limousine driver when providing limousine services* shall not solicit or accept cash as payment of a fare.

5. A transportation network company shall not impose any additional charge for a driver who provides transportation services *or a limousine driver who provides limousine services* to a person with a physical disability because of the disability.

6. The Authority may adopt regulations establishing a maximum fare that may be charged during an emergency, as defined in NRS 414.0345.

Sec. 12. NRS 706A.200 is hereby amended to read as follows:

706A.200 For each instance in which a driver *or limousine driver* provides transportation services *or limousine services* to a passenger, the transportation network company which connected the passenger to the driver *or limousine driver* shall provide to the passenger, before the passenger enters the motor vehicle of a driver ~~or a~~ *or limousine of a limousine driver*, a photograph of the driver *or limousine driver* who will provide the transportation services *or limousine services* and the license plate number of the motor vehicle operated by the driver ~~or a~~ *or limousine operated by the limousine driver*. The information required by this section must be provided to the passenger:

1. On an Internet website maintained by the company; or

2. Within the digital network or software application service of the company.

Sec. 13. NRS 706A.210 is hereby amended to read as follows:

706A.210 A transportation network company which connected a passenger to a driver *or limousine driver when providing limousine services* shall, within a reasonable period following the provision of transportation services *or limousine services* by the driver *or limousine driver* to the passenger, transmit to the passenger an electronic receipt, which must include, without limitation:

1. A description of the point of origin and the destination of the transportation services ~~or a~~ *or limousine services*;

2. The total time for which transportation services *or limousine services* were provided;

3. The total distance traveled; and

4. An itemization of the fare, if any, charged for the transportation services ~~or~~ *or limousine services*.

Sec. 14. NRS 706A.250 is hereby amended to read as follows:

706A.250 1. Except as otherwise provided in this section, a transportation network company shall not disclose to any person the personally identifiable information of a passenger who received services from the company unless:

(a) The disclosure is otherwise required by law;

(b) The company determines that disclosure is required to protect or defend the terms of use of the services or to investigate violations of those terms of use; or

(c) The passenger consents to the disclosure.

2. A transportation network company may disclose to a driver *or limousine driver when providing limousine services* the name and telephone number of a passenger for the purposes of facilitating correct identification of the passenger and facilitating communication between the driver *or limousine driver* and the passenger.

Sec. 14.5. NRS 706A.310 is hereby amended to read as follows:

706A.310 1. Except as otherwise provided in subsection 2, a local governmental entity shall not:

(a) Impose any tax or fee on a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter, a driver ~~for limousine motor carrier~~ who has entered into an agreement with such a company , a limousine motor carrier that has entered into a contract with such a company pursuant to section 5 of this act for the provision of limousine services or a vehicle operated by such a driver *or by a limousine driver when providing limousine services* or for transportation services *or limousine services* provided by such a driver ~~or~~ *or limousine driver*.

(b) Require a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter to obtain from the local government any certificate, license or permit to operate within that scope or require a driver ~~for limousine motor carrier~~ who has entered into an agreement with such a company , a limousine motor carrier who has entered into a contract with a transportation network company pursuant to section 5 of this act or a limousine driver when providing limousine services to obtain from the local government any certificate, license or permit to provide transportation services ~~or~~ *or limousine services*.

(c) Impose any other requirement upon a transportation network company or a driver , a limousine motor carrier who has entered into an agreement with a transportation network company pursuant to section 5 of this act or a limousine driver when providing limousine services which is not of general applicability to all persons who operate a motor vehicle within the jurisdiction of the local government.

2. Nothing in this section:

(a) Prohibits a local governmental entity from requiring a transportation network company ~~for~~ *, a driver, a limousine motor carrier that has entered into a contract with a transportation network company pursuant to section 5 of this act or a limousine driver who provides limousine services* to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.

(b) Prohibits an airport or its governing body from requiring a transportation network company ~~for~~ *, a driver, a limousine motor carrier that has entered into a contract with a transportation network company pursuant to section 5 of this act or a limousine driver who provides limousine services* to:

- (1) Obtain a permit or certification to operate at the airport;
- (2) Pay a fee to operate at the airport; or
- (3) Comply with any other requirement to operate at the airport.

(c) Exempts a vehicle operated by a driver *a limousine motor carrier that has entered into a contract with a transportation network company pursuant to section 5 of this act or a limousine driver who provides limousine services* from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.

3. The provisions of this chapter do not exempt any person from the requirement to obtain a state business license issued pursuant to chapter 76 of NRS. A transportation network company shall notify each driver of the requirement to obtain a state business license issued pursuant to chapter 76 of NRS and the penalties for failing to obtain a state business license.

Sec. 15. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 16. This act becomes effective on July 1, 2021.