

Amendment No. 721

Assembly Amendment to Senate Bill No. 288 First Reprint (BDR 58-935)

Proposed by: Assembly Committee on Growth and Infrastructure

Amendment Box: Replaces Amendment No. 572.

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.

JFD/BJF



Date: 5/20/2021

S.B. No. 288—Revises provisions relating to transportation network companies.
(BDR 58-935)



SENATE BILL NO. 288—SENATOR D. HARRIS

MARCH 22, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to transportation network companies.
(BDR 58-935)

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 transportation; authorizing a monitored autonomous vehicle provider to enter into an agreement with a transportation network company to provide transportation services through the digital network or software application of the company; imposing certain requirements on a transportation network company and monitored autonomous vehicle provider relating to the provision of transportation services by a monitored autonomous vehicle provider; authorizing a transportation network company to charge a fare for such services on behalf of a monitored autonomous vehicle provider; prohibiting a local governmental entity from imposing certain taxes or fees relating to such services; revising provisions relating to transportation network company insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the permitting and regulation of transportation network companies by the Nevada Transportation Authority. (Chapter 706A of NRS) Existing law defines "transportation network company" to mean an entity that uses a digital network or software application to connect a passenger to a driver who can provide transportation services to a passenger. (NRS 706.050) This bill revises various provisions of existing law governing transportation network companies for the purpose of authorizing a monitored autonomous vehicle provider to provide transportation services to a passenger through the digital network or software application of a transportation network company in the same manner and generally subject to the same requirements as a driver.

Section 2 of this bill defines "monitored autonomous vehicle" generally to mean an autonomous vehicle in which a ~~[safety engineer]~~ **monitored autonomous vehicle monitor** is physically present at all times during the operation of the vehicle. **Section 2.5 of this bill defines "monitored autonomous vehicle monitor" to mean a person employed by a monitored autonomous vehicle provider to remain physically present at all times during the operation of the vehicle to ensure :** ~~(1)~~ **(1)** the safety of such operations ~~;~~ **; ~~and (2) that the monitored autonomous vehicle complies with the applicable motor vehicle laws and traffic laws of this State.~~ **Section 3** of this bill defines "monitored autonomous vehicle provider" as a person who: (1) owns and operates a monitored autonomous vehicle; and (2) enters into an agreement with a transportation network company to receive connections to**

potential passengers and related services from the transportation network company in exchange for the payment of a fee to the transportation network company.

Section 5 of this bill authorizes a transportation network company to enter into an agreement with one or more monitored autonomous vehicle providers to receive connections to potential passengers from the company in exchange for the payment of a fee to the company. **Section 5** also provides that a ~~safety engineer~~ **monitored autonomous vehicle monitor** employed by a monitored autonomous vehicle provider who has entered into such an agreement is authorized to accept compensation for his or her services only from the monitored autonomous vehicle provider by which he or she is employed.

Section 5.5 of this bill provides that a monitored autonomous vehicle provider is liable in tort for any damages arising out of the provision of transportation services in the same manner as a driver.

Section 13.3 of this bill provides that the provisions of this bill relating to monitored autonomous vehicle providers and monitored autonomous vehicles do not apply to an autonomous vehicle network company or a fully autonomous vehicle operated by such a company. **Section 13.6** of this bill provides that a monitored autonomous vehicle operated by a monitored autonomous vehicle provider is not a commercial vehicle.

Section 14 of this bill prohibits, with certain exceptions, a transportation network company from controlling, directing or managing a monitored autonomous vehicle provider or a monitored autonomous vehicle operated by such a provider. **Section 14.5** of this bill prohibits a monitored autonomous vehicle provider from providing transportation services unless the transportation network company with which the provider is affiliated holds a permit issued by the Authority.

Section 15 of this bill authorizes a transportation network company that holds a permit issued by the Authority to take certain actions with respect to a monitored autonomous vehicle provider. **Sections 12 and 13** of this bill, respectively, revise the definitions of “transportation network company” and “transportation services” to reflect the authority of a monitored autonomous vehicle provider to provide transportation services pursuant to an agreement with a transportation network company.

Section 19 of this bill requires a transportation network company to maintain certain records concerning accidents and other incidents involving monitored autonomous vehicle providers. **Section 19.3** of this bill authorizes a transportation network company to disclose certain information concerning passengers to a monitored autonomous vehicle provider. **Section 19.6** of this bill requires a transportation network company to submit certain reports to the Authority concerning motor vehicle crashes involving monitored autonomous vehicle providers.

Section 17.5 of this bill requires a transportation network company, when a monitored autonomous vehicle provider provides transportation services, to provide the license plate number of the monitored autonomous vehicle to a passenger before he or she enters the vehicle.

Section 16 of this bill revises provisions of existing law governing fares charged by a transportation network company for the purpose of authorizing a transportation network company to charge a fare for transportation services provided by a monitored autonomous vehicle provider on behalf of the provider. (NRS 706A.170) **Section 16.5** of this bill imposes certain requirements relating to the condition and inspection of a monitored autonomous vehicle used to provide transportation services. **Sections 17 and 18** of this bill revise provisions of existing law which impose certain requirements on the provision of transportation services by a driver to apply such requirements to the provision of transportation services by a monitored autonomous vehicle provider. (NRS 706A.190, 706A.210)

Section 20 of this bill authorizes the Authority to impose certain penalties on a transportation network company or monitored autonomous vehicle provider for certain violations.

Section 21 of this bill prohibits a local governmental entity from imposing any tax or fee on a monitored autonomous vehicle provider or a monitored autonomous vehicle used by such a provider to provide transportation services or on the transportation services provided using such a vehicle.

Existing law requires a transportation network company or driver to continuously provide, during any period in which the driver is providing transportation services,

transportation network company insurance for the payment of tort liabilities arising from the operation of a motor vehicle by a driver. ~~[(NRS 690B.470)]~~ Existing law sets forth certain minimum amounts of coverage that must be provided by transportation network company insurance for periods in which a driver is providing transportation services and for periods in which a driver is logged into the digital network or software application service of the transportation network company and available to receive requests but is not otherwise providing transportation services. (NRS 690B.470) Section 22.7 of this bill requires a monitored autonomous vehicle provider to continuously provide transportation network company insurance in a specified minimum amount for the payment of tort liabilities arising from the operation of a monitored autonomous vehicle during any period in which the monitored autonomous vehicle provider is operating the monitored autonomous vehicle, regardless of whether the provider is providing transportation services.

Existing law imposes various requirements relating to ~~[such]~~ transportation network company insurance. (NRS 690B.400-690B.495) Sections 22.2, 22.3, 22.5 and 22.7-22.9 of this bill impose ~~[, with certain exceptions, these same requirements]~~ on a monitored autonomous vehicle provider and a transportation network company affiliated with a monitored autonomous vehicle provider. ~~[.]~~ certain requirements relating to transportation network company insurance which are applicable to a driver and a transportation network company affiliated with a driver under existing law.

Sections 11, 22.4 and 22.6 of this bill make conforming changes to indicate the proper placement of new provisions in the Nevada Revised Statutes.

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 10, inclusive, of this act.

Sec. 2. *"Monitored autonomous vehicle" means an autonomous vehicle, as defined in NRS 482A.030, in which a ~~[safety engineer]~~ monitored autonomous vehicle monitor is physically present at all times during the operation of the vehicle. ~~[to ensure the safety of such operations.]~~*

Sec. 2.5. *"Monitored autonomous vehicle monitor" means a person employed by a monitored autonomous vehicle provider to remain physically present in a monitored autonomous vehicle at all times during the operation of the vehicle to ensure:*

- 1. The safety of the operations of the monitored autonomous vehicle; and*
- 2. That the monitored autonomous vehicle complies with the applicable motor vehicle laws and traffic laws of this State.*

Sec. 3. *"Monitored autonomous vehicle provider" means a person who:*

- 1. Owns and operates a monitored autonomous vehicle; and*
- 2. 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.*

Sec. 4. ~~*"Safety engineer" means a person employed by a monitored autonomous vehicle provider to remain physically present in a monitored autonomous vehicle at all times during the operation of the vehicle to ensure the safety of such operations.]*~~ *(Deleted by amendment.)*

Sec. 5. *1. A transportation network company may enter into an agreement with one or more monitored autonomous vehicle providers to receive connections to potential passengers from the company in exchange for the payment of a fee by the monitored autonomous vehicle provider to the company.*

1 2. A ~~[safety engineer]~~ monitored autonomous vehicle monitor employed by
2 a monitored autonomous vehicle provider which has entered into an agreement
3 with a transportation network company pursuant to subsection 1 may only accept
4 compensation for his or her services from the monitored autonomous vehicle
5 provider by which he or she is employed.

6 Sec. 5.5. A monitored autonomous vehicle provider who provides
7 transportation services using a monitored autonomous vehicle is liable in tort for
8 any damages arising out of the provision of transportation services in the same
9 manner and to the same extent as if the monitored autonomous vehicle provider
10 were a driver providing transportation services using a motor vehicle.

11 Sec. 6. (Deleted by amendment.)

12 Sec. 7. (Deleted by amendment.)

13 Sec. 8. (Deleted by amendment.)

14 Sec. 9. (Deleted by amendment.)

15 Sec. 10. (Deleted by amendment.)

16 Sec. 10.5. NRS 706A.010 is hereby amended to read as follows:

17 706A.010 It is hereby declared to be the purpose and policy of the Legislature
18 in enacting this chapter to ensure the safety, reliability and cost-effectiveness of the
19 transportation services provided by drivers and monitored autonomous vehicle
20 providers affiliated with transportation network companies in this State.

21 Sec. 11. NRS 706A.020 is hereby amended to read as follows:

22 706A.020 As used in this chapter, unless the context otherwise requires, the
23 words and terms defined in NRS 706A.030 to 706A.060, inclusive, and sections 2,
24 2.5 and 3 [and 4] of this act have the meanings ascribed to them in those sections.

25 Sec. 12. NRS 706A.050 is hereby amended to read as follows:

26 706A.050 “Transportation network company” or “company” means an entity
27 that uses a digital network or software application service to connect a passenger to
28 a driver or monitored autonomous vehicle provider who can provide transportation
29 services to the passenger.

30 Sec. 13. NRS 706A.060 is hereby amended to read as follows:

31 706A.060 “Transportation services” means the transportation by a driver or
32 monitored autonomous vehicle provider of one or more passengers between points
33 chosen by the passenger or passengers and prearranged through the use of the
34 digital network or software application service of a transportation network
35 company. The term includes only the period beginning when a driver or a
36 monitored autonomous vehicle provider accepts a request by a passenger for
37 transportation through the digital network or software application service of a
38 transportation network company and ending when the last such passenger fully
39 disembarks from the motor vehicle operated by the driver ~~H~~ or the monitored
40 autonomous vehicle operated by the monitored autonomous vehicle provider.

41 Sec. 13.3. NRS 706A.075 is hereby amended to read as follows:

42 706A.075 1. Except as otherwise provided in subsection 2, the provisions of
43 this chapter do not exempt any person from any law governing the operation of a
44 motor vehicle upon the highways of this State.

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

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

51 (b) Except as otherwise provided in NRS 706.88396, the provisions of chapter
52 706 of NRS,

1 ↳ to the extent that the services provided by the company , ~~for~~ driver *or*
2 *monitored autonomous vehicle provider* are within the scope of the permit.

3 3. *The provisions of this chapter relating to monitored autonomous vehicles*
4 *and monitored autonomous vehicle providers do not apply to an autonomous*
5 *vehicle network company which has been issued a permit pursuant to NRS*
6 *706B.130 or to a fully autonomous vehicle operated by such a company.*

7 **Sec. 13.6.** NRS 706A.080 is hereby amended to read as follows:

8 706A.080 Nothing in this chapter shall be construed to deem a motor vehicle
9 operated by a driver to provide transportation services *or a monitored autonomous*
10 *vehicle operated by a monitored autonomous vehicle provider to provide*
11 *transportation services* to be a commercial motor vehicle.

12 **Sec. 14.** NRS 706A.090 is hereby amended to read as follows:

13 706A.090 Except as otherwise provided in this chapter and the regulations
14 adopted pursuant thereto or by a written contract between a transportation network
15 company and a driver ~~for~~ *or monitored autonomous vehicle provider*, a company
16 shall not control, direct or manage ~~for~~ :

17 1. A driver or the motor vehicle operated by a driver ~~for~~ ; *or*

18 2. *A monitored autonomous vehicle provider or any monitored autonomous*
19 *vehicle operated by a monitored autonomous vehicle provider.*

20 **Sec. 14.5.** NRS 706A.110 is hereby amended to read as follows:

21 706A.110 1. A transportation network company shall not engage in
22 business in this State unless the company holds a valid permit issued by the
23 Authority pursuant to this chapter.

24 2. A driver *or monitored autonomous vehicle provider* shall not provide
25 transportation services unless the company with which the driver *or monitored*
26 *autonomous vehicle provider* is affiliated holds a valid permit issued by the
27 Authority pursuant to this chapter.

28 3. The Authority is authorized and empowered to regulate, pursuant to the
29 provisions of this chapter, all transportation network companies , ~~and~~ drivers *and*
30 *monitored autonomous vehicle providers* who operate or wish to operate within
31 this State. Except as otherwise provided in NRS 706.88396, the Authority shall not
32 apply any provision of chapter 706 of NRS to a transportation network company ,
33 ~~or a~~ driver *or monitored autonomous vehicle provider* who operates within the
34 provisions of this chapter and the regulations adopted pursuant thereto.

35 **Sec. 15.** NRS 706A.130 is hereby amended to read as follows:

36 706A.130 1. Upon receipt of a completed application and upon a
37 determination by the Authority that an applicant meets the requirements for the
38 issuance of a permit to operate a transportation network company, the Authority
39 shall issue to the applicant within 30 days a permit to operate a transportation
40 network company in this State.

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

43 (a) Authorizes a transportation network company to connect one or more
44 passengers through the use of a digital network or software application service to a
45 driver *or monitored autonomous vehicle provider* who can provide transportation
46 services.

47 (b) Authorizes a transportation network company to make its digital network or
48 software application service available to one or more drivers *or monitored*
49 *autonomous vehicle providers* to receive connections to potential passengers from
50 the company in exchange for the payment of a fee by the driver *or monitored*
51 *autonomous vehicle provider* to the company.

52 (c) Except as otherwise provided in NRS 706.88396, does not authorize a
53 transportation network company or any driver *or monitored autonomous vehicle*

1 *provider* to engage in any activity otherwise regulated pursuant to chapter 706 of
2 NRS other than the activity authorized by this chapter.

3 3. Nothing in this chapter prohibits the issuance of a permit to operate a
4 transportation network company to a person who is regulated pursuant to chapter
5 706 of NRS if the person submits an application pursuant to NRS 706A.120 and
6 meets the requirements for the issuance of a permit.

7 **Sec. 16.** NRS 706A.170 is hereby amended to read as follows:

8 706A.170 1. In accordance with the provisions of this chapter, a
9 transportation network company which holds a valid permit issued by the Authority
10 pursuant to this chapter may, on behalf of a driver ~~or~~ *or monitored autonomous*
11 *vehicle provider*, charge a fare for transportation services provided to a passenger
12 by the driver ~~or~~ *or monitored autonomous vehicle provider*.

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

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

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

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

21 4. A transportation network company may accept payment of a fare only
22 electronically. A transportation network company, ~~for a~~ driver *or monitored*
23 *autonomous vehicle provider* shall not solicit or accept cash as payment of a fare.

24 5. A transportation network company shall not impose any additional charge
25 for a driver *or monitored autonomous vehicle provider* who provides
26 transportation services to a person with a physical disability because of the
27 disability.

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

30 **Sec. 16.5.** NRS 706A.180 is hereby amended to read as follows:

31 706A.180 1. A transportation network company shall not allow a driver *or*
32 *monitored autonomous vehicle provider* to be connected to potential passengers
33 using the digital network or software application service of the company if the
34 motor vehicle operated by the driver *or the monitored autonomous vehicle*
35 *operated by the monitored autonomous vehicle provider* to provide transportation
36 services:

37 (a) Is not in compliance with all federal, state and local laws concerning the
38 operation and maintenance of the motor vehicle ~~or~~ *or monitored autonomous*
39 *vehicle*.

40 (b) Has less than four doors.

41 (c) Is designed to carry more than eight passengers, including the driver.

42 (d) Is a farm tractor, mobile home, recreational vehicle, semitractor,
43 semitrailer, trailer, bus, motorcycle or tow car.

44 2. A transportation network company shall inspect or cause to be inspected
45 every motor vehicle used by a driver to provide transportation services *and every*
46 *monitored autonomous vehicle used by a monitored autonomous vehicle provider*
47 *to provide transportation services* before allowing the driver to use the motor
48 vehicle *or the monitored autonomous vehicle provider to use the monitored*
49 *autonomous vehicle* to provide transportation services and not less than once each
50 year thereafter.

51 3. The inspection required by subsection 2 must include, without limitation,
52 an inspection of the foot and emergency brakes, steering, windshield, rear window,
53 other glass, windshield wipers, headlights, tail lights, turn indicator lights, braking

lights, front seat adjustment mechanism, doors, horn, speedometer, bumpers, muffler, exhaust, tires, rear view mirrors and safety belts of the vehicle which ensures the proper functioning of each component.

Sec. 17. NRS 706A.190 is hereby amended to read as follows:

706A.190 1. A transportation network company shall adopt a policy which prohibits discrimination against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

2. A driver *or monitored autonomous vehicle provider* shall not discriminate against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

3. A transportation network company shall provide to each passenger an opportunity to indicate whether the passenger requires transportation in a motor vehicle *or monitored autonomous vehicle* that is wheelchair accessible. If the company cannot provide the passenger with transportation services in a motor vehicle *or monitored autonomous vehicle* that is wheelchair accessible, the company must direct the passenger to an alternative provider or means of transportation that is wheelchair accessible, if available.

Sec. 17.5. NRS 706A.200 is hereby amended to read as follows:

706A.200 1. For each instance in which a driver *or monitored autonomous vehicle provider* provides transportation services to a passenger, the transportation network company which connected the passenger to the driver *or monitored autonomous vehicle provider* shall provide to the passenger, before the passenger enters the motor vehicle of a driver ~~17~~ *or the monitored autonomous vehicle of a monitored autonomous vehicle provider, as applicable:*

(a) ~~17~~ A photograph of the driver who will provide the transportation services and the license plate number of the motor vehicle operated by the driver ~~17~~; *or*

(b) *The license plate number of the monitored autonomous vehicle operated by the monitored autonomous vehicle provider.*

2. The information required by ~~this section~~ *subsection 1* must be provided to the passenger:

~~17~~ (a) On an Internet website maintained by the company; or

~~17~~ (b) Within the digital network or software application service of the company.

Sec. 18. NRS 706A.210 is hereby amended to read as follows:

706A.210 A transportation network company which connected a passenger to a driver *or a monitored autonomous vehicle provider* shall, within a reasonable period following the provision of transportation services by the driver *or the monitored autonomous vehicle provider* 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;

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

3. The total distance traveled; and

4. An itemization of the fare, if any, charged for the transportation services.

Sec. 19. NRS 706A.230 is hereby amended to read as follows:

706A.230 1. A transportation network company shall maintain the following records relating to the business of the company for a period of at least 3 years after the date on which the record is created:

(a) Trip records;

(b) Driver records and vehicle inspection records;

(c) *Monitored autonomous vehicle provider records and monitored autonomous vehicle inspection records;*

(d) Records of each complaint and the resolution of each complaint; and
~~[(e)]~~ (e) Records of each accident or other incident that involved a driver *or monitored autonomous vehicle provider* and was reported to the transportation network company.

2. Each transportation network company shall make its records available for inspection by the Authority upon request and only as necessary for the Authority to investigate complaints. This subsection does not require a company to make any proprietary information available to the Authority. Except as otherwise provided in subsection 3, any records provided to the Authority are confidential and must not be disclosed other than to employees of the Authority.

3. The Authority shall disclose to the Secretary of State the name of each driver *and monitored autonomous vehicle provider* and such other information as the Secretary of State determines necessary to enforce the provisions of chapter 76 of NRS. If the Secretary of State obtains any confidential information pursuant to this subsection, the Secretary of State, and any employee of the Secretary of State engaged in the administration of chapter 76 of NRS or charged with the custody of any records or files relating to the administration of chapter 76 of NRS, shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the Authority.

Sec. 19.3. 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 monitored autonomous vehicle provider* 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 monitored autonomous vehicle provider* and the passenger.

Sec. 19.6. NRS 706A.270 is hereby amended to read as follows:

706A.270 1. Each transportation network company shall provide to the Authority reports containing information relating to motor vehicle crashes involving drivers *or monitored autonomous vehicle providers* affiliated with the company which occurred in this State while the driver *or monitored autonomous vehicle provider* was providing transportation services or logged into the digital network or software application service of the company and available to receive requests for transportation services. The reports required by this subsection must contain the information identified in subsection 2 and be submitted:

(a) For all crashes that occurred during the first 6 months that the company operates within this State, on or before the date 7 months after the company was issued a permit.

(b) For all crashes that occurred during the first 12 months that the company operates within this State, on or before the date 13 months after the company was issued a permit.

2. The reports submitted pursuant to subsection 1 must include, for the period of time specified in subsection 1:

(a) The number of motor vehicle crashes which occurred in this State involving such a driver ~~[(e)]~~ *or monitored autonomous vehicle provider*;

(b) The highest, lowest and average amount paid for bodily injury or death to one or more persons that occurred as a result of such a crash; and

(c) The highest, lowest and average amount paid for damage to property that occurred as a result of such a crash.

3. The Authority shall collect the reports submitted by transportation network companies pursuant to subsection 1 and determine whether the limits of coverage required pursuant to NRS 690B.470 are sufficient. The Authority shall submit a report stating whether the limits of coverage required pursuant to NRS 690B.470 are sufficient and containing the information, in an aggregated format which does not reveal the identity of any person, submitted by transportation network companies pursuant to subsection 1 since the last report of the Authority pursuant to this subsection:

(a) To the Legislative Commission on or before December 1 of each odd-numbered year.

(b) To the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature on or before December 1 of each even-numbered year.

Sec. 19.9. NRS 706A.280 is hereby amended to read as follows:

706A.280 1. A driver *or autonomous vehicle provider* shall not solicit or accept a passenger or provide transportation services to any person unless the person has arranged for the transportation services through the digital network or software application service of the transportation network company.

2. With respect to a passenger's destination, a driver *or monitored autonomous vehicle provider* shall not:

(a) Deceive or attempt to deceive any passenger who rides or desires to ride in the driver's motor vehicle ~~{}~~ *or the monitored autonomous vehicle provider's monitored autonomous vehicle.*

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

(c) Take a longer route to the passenger's destination than is necessary, unless specifically requested to do so by the passenger.

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

3. A driver *or monitored autonomous vehicle provider* shall not, at the time the driver *or monitored autonomous vehicle provider* picks up a passenger, refuse or neglect to provide transportation services to any orderly passenger unless the driver *or monitored autonomous vehicle provider* can demonstrate to the satisfaction of the Authority that:

(a) ~~{The}~~ *For a driver , the driver* has good reason to fear for the driver's personal safety; ~~{or}~~

(b) *For a monitored autonomous vehicle provider, the monitored autonomous vehicle provider or [safety engineer] monitored autonomous vehicle monitor has good reason to fear for the personal safety of the [safety engineer] monitor in the monitored autonomous vehicle picking up the person requesting transportation services; or*

(c) The driver *or monitored autonomous vehicle provider* is prohibited by law or regulation from carrying the person requesting transportation services.

Sec. 20. NRS 706A.300 is hereby amended to read as follows:

706A.300 1. If the Authority determines that a transportation network company, ~~{or}~~ driver *or monitored autonomous vehicle provider* has violated the terms of a permit issued pursuant to this chapter or any provision of this chapter or any regulations adopted pursuant thereto, the Authority may, depending on whether the violation was committed by the company, the driver, ~~{or}~~ both ~~{}~~ *the company and the driver or both the company and the monitored autonomous vehicle provider:*

(a) If the Authority determines that the violation is willful and endangers public safety, suspend or revoke the permit issued to the transportation network company;

(b) If the Authority determines that the violation is willful and endangers public safety, impose against the transportation network company an administrative fine in an amount not to exceed \$100,000 per violation;

(c) Prohibit a person from operating as a driver ~~for~~ *or monitored autonomous vehicle provider*; or

(d) Impose any combination of the penalties provided in paragraphs (a), (b) and (c).

2. To determine the amount of an administrative fine imposed pursuant to paragraph (b) or (d) of subsection 1, the Authority shall consider:

(a) The size of the transportation network company;

(b) The severity of the violation;

(c) Any good faith efforts by the transportation network company to remedy the violation;

(d) The history of previous violations by the transportation network company; and

(e) Any other factor that the Authority determines to be relevant.

3. Notwithstanding the provisions of NRS 193.170, a person who violates any provision of this chapter is not subject to any criminal penalty for such a violation.

Sec. 21. 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~~ :

(1) A transportation transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter ~~for~~ ;

(2) A driver driver who has entered into an agreement with ~~such~~ a *transportation network* company *described in subparagraph (1)* or a vehicle operated by such a driver or for transportation services provided by such a driver ~~for~~ ; or

(3) A monitored autonomous vehicle provider who has entered into an agreement with a transportation network company described in subparagraph (1) or a monitored autonomous vehicle operated by such a monitored autonomous vehicle provider or for transportation services provided by such a monitored autonomous vehicle provider.

(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 *or mounted autonomous vehicle provider* who has entered into an agreement with such a company to obtain from the local government any certificate, license or permit to provide transportation services.

(c) Impose any other requirement upon a transportation network company , ~~for~~ ~~a~~ driver *or monitored autonomous vehicle provider* 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~~ driver *or monitored autonomous vehicle provider* 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 *or monitored autonomous vehicle provider* 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 *or monitored autonomous vehicle provider* 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 *and monitored autonomous vehicle provider* 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. 22. (Deleted by amendment.)

Sec. 22.1. Chapter 690B of NRS is hereby amended by adding thereto the provisions set forth as sections 22.2 and 22.3 of this act.

Sec. 22.2. *“Monitored autonomous vehicle provider” has the meaning ascribed to it in section 3 of this act.*

Sec. 22.3. *1. A monitored autonomous vehicle provider shall ensure that proof of coverage under a policy of transportation network company insurance is contained within the monitored autonomous vehicle of the monitored autonomous vehicle provider at all times when the monitored autonomous vehicle provider is ~~logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services~~ operating the monitored autonomous vehicle.*

2. If the monitored autonomous vehicle of a monitored autonomous vehicle provider is involved in an accident or motor vehicle crash, the monitored autonomous vehicle provider shall ensure that any law enforcement officer and any party with whom the monitored autonomous vehicle is involved in the accident or motor vehicle crash is provided with:

(a) Proof of coverage under a policy of transportation network company insurance; and

(b) A disclosure as to whether the monitored autonomous vehicle provider was logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services at the time of the accident or motor vehicle crash.

3. As used in this section, “monitored autonomous vehicle” has the meaning ascribed to it in section 2 of this act.

Sec. 22.4. NRS 690B.400 is hereby amended to read as follows:

690B.400 As used in NRS 690B.400 to 690B.495, inclusive, *and sections 22.2 and 22.3 of this act*, the words and terms defined in NRS 690B.410 to 690B.430, inclusive, *and section 22.2 of this act* have the meanings ascribed to them in those sections.

Sec. 22.5. NRS 690B.425 is hereby amended to read as follows:

690B.425 “Transportation network company insurance” means a policy of insurance that includes coverage specifically for the use of a vehicle by a driver *or monitored autonomous vehicle provider* pursuant to NRS 690B.400 to 690B.495, inclusive ~~and~~ *and sections 22.2 and 22.3 of this act.*

Sec. 22.6. NRS 690B.450 is hereby amended to read as follows:

690B.450 The provisions of NRS 690B.400 to 690B.495, inclusive, *and sections 22.2 and 22.3 of this act* do not apply to a person who is regulated

1 pursuant to chapter 704 or 706 of NRS unless the person holds a permit issued
2 pursuant to NRS 706A.130.

3 **Sec. 22.7.** NRS 690B.470 is hereby amended to read as follows:

4 690B.470 1. Every transportation network company ~~for~~ or driver ~~for~~
5 ~~monitored autonomous vehicle provider~~ shall continuously provide, during any
6 period in which the driver ~~for monitored autonomous vehicle provider~~ is
7 providing transportation services, transportation network company insurance
8 provided by an insurance company licensed by the Division of Insurance of the
9 Department of Business and Industry and approved to do business in this State or a
10 broker licensed pursuant to chapter 685A of NRS or procured directly from a
11 nonadmitted insurer, as defined in NRS 685A.0375:

12 (a) In an amount of not less than \$1,500,000 for bodily injury to or death of
13 one or more persons and injury to or destruction of property of others in any one
14 accident or motor vehicle crash that occurs while the driver ~~for monitored~~
15 ~~autonomous vehicle provider~~ is providing transportation services;

16 (b) In an amount of not less than \$50,000 for bodily injury to or death of one
17 person in any one accident or motor vehicle crash that occurs while the driver ~~for~~
18 ~~monitored autonomous vehicle provider~~ is logged into the digital network or
19 software application service of the transportation network company and available to
20 receive requests for transportation services but is not otherwise providing
21 transportation services;

22 (c) Subject to the minimum amount for one person required by paragraph (b),
23 in an amount of not less than \$100,000 for bodily injury to or death of two or more
24 persons in any one accident or motor vehicle crash that occurs while the driver ~~for~~
25 ~~monitored autonomous vehicle provider~~ is logged into the digital network or
26 software application service of the transportation network company and available to
27 receive requests for transportation services but is not otherwise providing
28 transportation services; and

29 (d) In an amount of not less than \$25,000 for injury to or destruction of
30 property of others in any one accident or motor vehicle crash that occurs while the
31 driver ~~for monitored autonomous vehicle provider~~ is logged into the digital
32 network or software application service of the transportation network company and
33 available to receive requests for transportation services but is not otherwise
34 providing transportation services,
35 for the payment of tort liabilities arising from the maintenance or use of the
36 motor vehicle.

37 2. Every monitored autonomous vehicle provider shall continuously
38 provide, during any period in which a monitored autonomous vehicle provider is
39 operating a monitored autonomous vehicle, transportation network company
40 insurance provided by an insurance company licensed by the Division of
41 Insurance of the Department of Business and Industry and approved to do
42 business in this State or a broker licensed pursuant to chapter 685A of NRS or
43 procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, in
44 an amount of not less than \$1,500,000 for bodily injury to or destruction of
45 property of others in any one accident or motor vehicle crash that occurs while
46 the monitored autonomous vehicle provider is operating a monitored autonomous
47 vehicle for the payment of tort liabilities arising from the maintenance or use of
48 the monitored autonomous vehicle.

49 3. The transportation network company insurance required by subsection 1 or
50 2, as applicable, may be provided through one or a combination of insurance
51 policies provided by the transportation network company, ~~for~~ the driver, ~~for~~ the
52 monitored autonomous vehicle provider, both ~~for~~ the transportation network

1 *company and the driver or both the transportation network company and the*
2 *monitored autonomous vehicle provider.*

3 ~~[3-]~~ 4. Every transportation network company shall continuously provide,
4 during any period in which the driver *or monitored autonomous vehicle provider* is
5 providing transportation services, transportation network company insurance
6 provided by an insurance company licensed by the Division of Insurance of the
7 Department of Business and Industry and approved to do business in this State or a
8 broker licensed pursuant to chapter 685A of NRS or procured directly from a
9 nonadmitted insurer, as defined in NRS 685A.0375, which meets the requirements
10 of subsection 1 *or 2, as applicable*, as primary insurance if the insurance provided
11 by the driver ~~[4-]~~ *or monitored autonomous vehicle provider*:

12 (a) Lapses; or

13 (b) Fails to meet the requirements of subsection 1 ~~[4-]~~ *or 2, as applicable*.

14 ~~[4-]~~ 5. Notwithstanding the provisions of NRS 485.185 and 485.186 which
15 require the owner or operator of a motor vehicle to provide insurance,
16 transportation network company insurance shall be deemed to satisfy the
17 requirements of NRS 485.185 or 485.186, as appropriate, regardless of whether the
18 insurance is provided by the transportation network company, ~~[or]~~ the driver, ~~[or]~~
19 *the monitored autonomous vehicle provider*, both ~~[4-]~~ *the transportation network*
20 *company and the driver or both the transportation network company and the*
21 *monitored autonomous vehicle provider*, if the transportation network company
22 insurance otherwise satisfies the requirements of NRS 485.185 or 485.186, as
23 appropriate.

24 ~~[5-]~~ 6. In addition to the coverage required pursuant to subsection 1 ~~[4-]~~ *or 2,*
25 *as applicable*, a policy of transportation network company insurance may include
26 additional coverage, including, without limitation, coverage for medical payments,
27 coverage for uninsured or underinsured motorists, comprehensive coverage and
28 collision coverage.

29 ~~[6-]~~ 7. An insurer who provides transportation network company insurance
30 shall not require a policy of insurance for the operation of a motor vehicle required
31 pursuant to NRS 485.185 or 485.186, as appropriate, to deny a claim before the
32 transportation network company insurance provides coverage for a claim.

33 ~~[7-]~~ 8. An insurer who provides transportation network company insurance
34 has a duty to defend and indemnify the driver *or monitored autonomous vehicle*
35 *provider* and the transportation network company.

36 ~~[8-]~~ 9. An insurer who provides transportation network company insurance
37 which includes comprehensive coverage or collision coverage for the operation of a
38 motor vehicle against which a lienholder holds a lien shall issue any payment for a
39 claim under such coverage:

40 (a) Directly to the person who performs repairs upon the vehicle; or

41 (b) Jointly to the owner of the vehicle and the lienholder.

42 ~~[9-]~~ 10. A transportation network company that provides transportation
43 network company insurance for a motor vehicle not deemed to be the owner of the
44 motor vehicle.

45 *11. As used in this section, "monitored autonomous vehicle" has the*
46 *meaning ascribed to it in section 2 of this act.*

47 **Sec. 22.8.** NRS 690B.480 is hereby amended to read as follows:

48 690B.480 1. A policy of insurance for the operation of a motor vehicle
49 required pursuant to NRS 485.185 or 485.186, as appropriate, is not required to
50 include transportation network company insurance. An insurer providing a policy
51 which excludes transportation network company insurance does not have a duty to
52 defend or indemnify a driver *or monitored autonomous vehicle provider* for any
53 claim arising during any period in which the driver *or monitored autonomous*

1 *vehicle provider* is logged into the digital network or software application service
2 of the transportation network company, available to receive requests for
3 transportation services or providing transportation services.

4 2. An insurer who provides a policy of insurance for the operation of a motor
5 vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, may include
6 transportation network company insurance in such a policy. An insurer may charge
7 an additional premium for the inclusion of transportation network company
8 insurance in such a policy.

9 3. An insurer who:

10 (a) Defends or indemnifies a driver *or monitored autonomous vehicle*
11 *provider* for a claim arising during any period in which the driver *or monitored*
12 *autonomous vehicle provider* is logged into the digital network or software
13 application service of the transportation network company, available to receive
14 requests for transportation services or providing transportation services; and

15 (b) Excludes transportation network company insurance from the policy of
16 insurance for the operation of a motor vehicle provided to the driver ~~or~~ *or*
17 *monitored autonomous vehicle provider*;

18 ➤ has the right of contribution against other insurers who provide coverage to the
19 driver *or monitored autonomous vehicle provider* to satisfy the coverage required
20 by NRS 690B.470 at the time of the loss.

21 **Sec. 22.9.** NRS 690B.490 is hereby amended to read as follows:

22 690B.490 In any investigation relating to tort liability arising from the
23 operation of a motor vehicle, each transportation network company, ~~and~~ driver ~~or~~
24 *and monitored autonomous vehicle provider*, and each insurer providing
25 transportation network company insurance to a transportation network company,
26 ~~or~~ driver *or monitored autonomous vehicle provider* who is involved in the
27 underlying incident shall cooperate with any other party to the incident and any
28 other insurer involved in the investigation and share information, including, without
29 limitation:

30 1. The date and time of an accident or motor vehicle crash involving a driver
31 ~~or~~ *or monitored autonomous vehicle provider*.

32 2. The dates and times that the driver *or monitored autonomous vehicle*
33 *provider* involved in an accident or motor vehicle crash logged into the digital
34 network or software application service of the transportation network company for
35 a period of 12 hours immediately preceding and 12 hours immediately following
36 the accident or motor vehicle crash.

37 3. The dates and times that the driver *or monitored autonomous vehicle*
38 *provider* involved in an accident or motor vehicle crash logged out of the digital
39 network or software application service of the transportation network company for
40 a period of 12 hours immediately preceding and 12 hours immediately following
41 the accident or motor vehicle crash.

42 4. A clear description of the coverage, exclusions and limits provided under
43 any policy of transportation network company insurance which applies.

44 **Sec. 23.** The provisions of subsection 1 of NRS 218D.380 do not apply to
45 any provision of this act which adds or revises a requirement to submit a report to
46 the Legislature.

47 **Sec. 24.** This act becomes effective ~~on July 1, 2021~~ upon passage and
48 approval.