

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 transportation network company to enter into an agreement with a monitored autonomous vehicle provider to allow the company to use a monitored autonomous vehicle that is owned and operated by the monitored autonomous vehicle provider to provide transportation services; imposing certain requirements on a transportation network company relating to the provision of transportation services by the company using a monitored autonomous vehicle; authorizing a transportation network company to charge a fare for such services; prohibiting a local governmental entity from imposing certain taxes or fees relating to such services; 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 such companies, under certain circumstances, to use a monitored autonomous vehicle to provide transportation services to a passenger who has arranged for such services through the digital network or software application of the company.

Section 2 of this bill defines “monitored autonomous vehicle” generally to mean an autonomous vehicle in which a safety engineer is physically present at all times during the operation of the vehicle to ensure the safety of such operations.



Section 22 of this bill provides that a monitored autonomous vehicle is not a fully autonomous vehicle for the purposes of provisions of existing law governing autonomous vehicle network companies.

Section 5 of this bill authorizes a transportation network company to enter into an agreement with one or more monitored autonomous vehicle providers to allow the company to use a monitored autonomous vehicle of the provider to provide transportation services. **Section 5** also provides that a safety engineer 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 15** of this bill provides that a permit to operate a transportation network company authorizes a holder who has entered into an agreement pursuant to **section 5** to provide transportation services to passengers using a monitored autonomous vehicle that is owned and operated by 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 transportation network company to provide transportation services using a monitored autonomous vehicle as provided by **section 15**.

Existing law prohibits, with certain exceptions, a transportation network company from controlling, directing or managing a driver or the motor vehicle operated by a driver. (NRS 706A.090) **Section 14** of this bill authorizes a transportation network company that has entered into an agreement with a monitored autonomous vehicle provider pursuant to **section 5** to control, direct or manage a monitored autonomous vehicle of the provider.

Section 6 of this bill prohibits a transportation network company from using a monitored autonomous vehicle to provide transportation services unless, in addition to certain other requirements, the vehicle is owned and operated by a monitored autonomous vehicle provider with whom the company has entered an agreement pursuant to **section 5**.

Section 8 of this bill requires a transportation network company that has entered into an agreement pursuant to **section 5** to submit certain reports to the Authority concerning motor vehicle crashes involving monitored autonomous vehicles. **Section 10** of this bill requires such a transportation network company to maintain certain insurance for tort liabilities arising out of the provision of transportation services using a monitored autonomous vehicle. **Section 19** of this bill requires such a transportation network company to maintain certain records concerning accidents and other incidents involving monitored autonomous vehicles.

Section 7 of this bill requires a transportation network company, when using a monitored autonomous vehicle to provide transportation services, to provide the license plate number of the vehicle to a passenger before he or she enters the vehicle. **Section 9** of this bill prohibits a transportation network company from engaging in certain activities relating to the provision of transportation services using a monitored autonomous 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 the company using a monitored autonomous vehicle. (NRS 706A.170) **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 transportation network company using a monitored autonomous vehicle. (NRS 706A.190, 706A.210)

Existing law authorizes the Authority to impose certain penalties on a transportation network company for a violation of the terms of a permit or the provisions of existing law governing transportation network companies if the



Authority determines that the violation is willful and endangers public safety. (NRS 706A.300) **Section 20** of this bill specifies that, to impose such a penalty, the violation is required to endanger public safety in a manner unrelated to certain provisions of existing law governing autonomous vehicles.

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

Section 11 of this bill makes a conforming change 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 is physically present at all times during the operation of the vehicle to ensure the safety of such operations.*

Sec. 3. *“Monitored autonomous vehicle provider” means a person who has entered into an agreement with a transportation network company to allow the company to use a monitored autonomous vehicle that is owned and operated by the person to provide transportation services to passengers who arrange for such services through the digital network or software application of the 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.*

Sec. 5. 1. *A transportation network company may enter into an agreement with one or more monitored autonomous vehicle providers to allow the company to use a monitored autonomous vehicle which is owned and operated by the provider to provide transportation services to passengers who arrange for such services through the digital network or software application of the company.*

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



Sec. 6. 1. *A transportation network company shall not provide transportation services to a passenger using a monitored autonomous vehicle unless the monitored autonomous vehicle is:*

(a) Owned and operated by a monitored autonomous vehicle provider with whom the transportation network company has entered an agreement pursuant to section 5 of this act; and

(b) In compliance with the requirements of chapter 482A of NRS.

2. *A transportation network company shall inspect or cause to be inspected every monitored autonomous vehicle used to provide transportation services before using the monitored autonomous vehicle to provide transportation services and not less than once each year thereafter.*

3. *The inspection required by subsection 2 must ensure the proper functioning and safety of the monitored autonomous vehicle pursuant to chapter 482A of NRS and any applicable federal law or regulation.*

Sec. 7. *For each instance in which a transportation network company uses a monitored autonomous vehicle to provide transportation services to a passenger, the company shall provide to the passenger, before the passenger enters the monitored autonomous vehicle, the license plate number of the monitored autonomous vehicle. 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. 8. 1. *Each transportation network company that has entered into an agreement with a monitored autonomous vehicle provider pursuant to section 5 of this act shall provide to the Authority reports containing information relating to motor vehicle crashes which occurred in this State while the company was providing transportation services using a monitored autonomous vehicle. The reports required by this subsection must contain the information identified in subsection 2 and be submitted:*

(a) For all crashes that occur during the first 6 months that the company operates within this State, not later than 7 months after the date the company was issued a permit.

(b) For all crashes that occur during the first 12 months that the company operates within this State, not later than 13 months after the date 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 a monitored autonomous vehicle that provides



1 *transportation services on behalf of the transportation network*
2 *company;*

3 *(b) The highest, lowest and average amount paid by the*
4 *transportation network company for bodily injury or death to one*
5 *or more persons that occurred as a result of such a crash; and*

6 *(c) The highest, lowest and average amount paid by the*
7 *transportation network company for damage to property that*
8 *occurred as a result of such a crash.*

9 *3. Except as otherwise provided in this subsection, any*
10 *records provided to the Authority are confidential and must not be*
11 *disclosed other than to employees of the Authority. The Authority*
12 *shall collect the reports submitted by transportation network*
13 *companies pursuant to subsection 1 and determine whether the*
14 *limits of coverage required pursuant to section 10 of this act are*
15 *sufficient. The Authority shall submit a report stating whether the*
16 *limits of coverage required pursuant to section 10 of this act are*
17 *sufficient and containing the information, in an aggregated*
18 *format which does not reveal the identity of any person, submitted*
19 *by transportation network companies pursuant to subsection 1*
20 *since the last report of the Authority pursuant to this subsection:*

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

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

26 **Sec. 9. 1. With respect to a passenger's destination when**
27 **using a monitored autonomous vehicle provided by a**
28 **transportation network company, a transportation network**
29 **company shall not:**

30 *(a) Deceive or attempt to deceive any passenger who rides or*
31 *desires to ride in the vehicle.*

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

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

36 **2. The Authority shall not consider any action taken by a**
37 **monitored autonomous vehicle which is consistent with its**
38 **operational design domain, as defined in NRS 482A.046, or**
39 **technological capabilities as a violation of subsection 1.**

40 **3. As used in this section, "longer route to the passenger's**
41 **destination" means any route other than that which would result**
42 **in the lowest fare to the passenger.**

43 **Sec. 10. Each transportation network company that has**
44 **entered into an agreement with a monitored autonomous vehicle**
45 **provider pursuant to section 5 of this act shall maintain insurance**



provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS, procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, or a program of self-insurance which meets criteria established by the Authority in an amount of \$1,500,000 or more for bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident or motor vehicle crash that occurs while providing transportation services using a monitored autonomous vehicle pursuant to this chapter.

Sec. 11. 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. 12. NRS 706A.050 is hereby amended to read as follows:

706A.050 “Transportation network company” or “company” means an entity that uses a digital network or software application service to connect a passenger to ~~fa~~:

1. A driver who can provide transportation services to the passenger ~~fa~~; or

2. A monitored autonomous vehicle used by the company to provide transportation services to the passenger.

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

706A.060 “Transportation services” means the transportation by a driver *or monitored autonomous vehicle* 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 driver *or a transportation network company* 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 motor vehicle operated by the driver ~~fa~~ *or the monitored autonomous vehicle used by the transportation network company.*

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

706A.090 *1.* Except as otherwise provided in this chapter and the regulations adopted pursuant thereto or by a written contract between a transportation network company and a driver, a company shall not control, direct or manage a driver or the motor vehicle operated by a driver.

2. A transportation network company that has entered into an agreement with a monitored autonomous vehicle provider



pursuant to section 5 of this act may control, direct or manage a monitored autonomous vehicle that is owned and operated by the monitored autonomous vehicle provider.

Sec. 15. 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) *Authorizes a transportation network company that has entered into an agreement with a monitored autonomous vehicle provider pursuant to section 5 of this act to use a monitored autonomous vehicle which is owned and operated by the provider to provide transportation services to one or more passengers who arrange for such services through the digital network or software application of the company.*

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

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

Sec. 16. 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]~~ :

(a) *On* behalf of a driver, charge a fare for transportation services provided to a passenger by the driver.

(b) *Charge a fare for transportation services provided to a passenger by the company using a monitored autonomous vehicle.*



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 monitored autonomous vehicle used by the company*, 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 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, *whether provided by a driver or by the company using a monitored autonomous vehicle, provided* 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. 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 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. 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* shall, within a reasonable period following the provision of transportation services by the driver *or the company* to the passenger, transmit to



1 the passenger an electronic receipt, which must include, without
2 limitation:

3 1. A description of the point of origin and the destination of the
4 transportation services;

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

7 3. The total distance traveled; and

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

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

11 706A.230 1. A transportation network company shall
12 maintain the following records relating to the business of the
13 company for a period of at least 3 years after the date on which the
14 record is created:

15 (a) Trip records;

16 (b) Driver records and vehicle inspection records;

17 (c) Records of each complaint and the resolution of each
18 complaint; ~~and~~

19 (d) Records of each accident or other incident that involved a
20 driver and was reported to the transportation network company ~~H~~;
21 *and*

22 *(e) For a transportation network company that has entered*
23 *into an agreement with a monitored autonomous vehicle provider*
24 *pursuant to section 5 of this act, records of each accident or other*
25 *incident that involved a monitored autonomous vehicle and was*
26 *reported to the transportation network company.*

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

35 3. The Authority shall disclose to the Secretary of State the
36 name of each driver and such other information as the Secretary of
37 State determines necessary to enforce the provisions of chapter 76
38 of NRS. If the Secretary of State obtains any confidential
39 information pursuant to this subsection, the Secretary of State, and
40 any employee of the Secretary of State engaged in the
41 administration of chapter 76 of NRS or charged with the custody of
42 any records or files relating to the administration of chapter 76 of
43 NRS, shall maintain the confidentiality of that information in the
44 same manner and to the same extent as provided by law for the
45 Authority.



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 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:

(a) If the Authority determines that the violation is willful and endangers public safety ~~[i]n a manner unrelated to the provisions of chapter 482A of NRS~~, 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 ~~[i]n a manner unrelated to the provisions of chapter 482A of NRS~~, 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; 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~~ network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter ~~[i]n a~~ ;

~~(2) A 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 [i]n ; or~~

~~(3) A monitored autonomous vehicle used by a transportation network company described in subparagraph (1) or~~



for transportation services provided by the company using such a monitored autonomous vehicle.

(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 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 or a driver 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 or driver 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 or a driver 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 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. 22. NRS 706B.040 is hereby amended to read as follows:

706B.040 "Fully autonomous vehicle" has the meaning ascribed to it in NRS 482A.036 ~~[]~~, *except the term does not include a monitored autonomous vehicle, as defined in section 2 of this act.*

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

Sec. 24. This act becomes effective on July 1, 2021.

