

Amendment No. 311

Senate Amendment to Senate Bill No. 424	(BDR 58-860)
Proposed by: Senate Committee on Growth and Infrastructure	
Amends: Summary: No Title: Yes 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.

AMD/HAC



Date: 4/18/2023

S.B. No. 424—Revises provisions relating to the Nevada Transportation Authority. (BDR 58-860)



SENATE BILL NO. 424—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 27, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to the Nevada Transportation Authority. (BDR 58-860)

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

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

AN ACT relating to motor carriers; prohibiting the Nevada Transportation Authority from authorizing certain persons to intervene in proceedings relating to the granting or modification of certain certificates or permits; authorizing the Authority to hold a hearing concerning the granting or modification of certain certificates or permits relating to motor carriers under certain circumstances; requiring the Authority to approve or deny applications for certain certificates or permits within a certain period of time; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes the Nevada Transportation Authority to dispense with a hearing
2 on the application for a certificate of public convenience and necessity or a permit as a
3 contract motor carrier, or a modification thereof, granted by the Authority if no petition to
4 intervene has been filed on behalf of any person who has filed a protest against the granting of
5 the certificate, permit or modification upon the expiration of the time fixed in the notice of
6 hearing. (NRS 706.391, 706.431, 706.4463) **Section 1** of this bill prohibits the Authority from
7 accepting any petition to intervene on behalf of any person who has filed a protest against the
8 granting of a certificate or permit issued by the Authority, or a modification thereof. Instead,
9 **sections 3-6** of this bill authorize the Authority to hold a hearing concerning an application for
10 a certificate or permit, or modification thereof, if the Authority finds that, after reviewing the
11 information provided by the applicant and inspecting the operations of the applicant, the
12 Authority cannot make a determination as to whether the applicant has complied with the
13 requirements for the certificate or permit, or modification thereof. Sections 3-6 further
14 require the Authority to approve or deny an application for such a certificate or permit
15 within 9 months after the date on which a completed application is received by the
16 Authority. Any such application which is not approved or denied within 9 months shall
17 be deemed to be approved and the Authority is required to issue the certificate or
18 permit, as applicable.

19 **Section 2** of this bill makes a conforming change to indicate the proper placement of
20 **section 1** in the Nevada Revised Statutes.

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

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

3 *The Authority shall not accept any petition to intervene on behalf of any*
4 *person who has filed a protest against the granting of a certificate of public*
5 *convenience and necessity or permit as a contract motor carrier by the Authority,*
6 *or a modification thereof, pursuant to the provisions of NRS 706.011 to 706.791,*
7 *inclusive.*

8 **Sec. 2.** NRS 706.011 is hereby amended to read as follows:

9 706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 1 of this*
10 *act*, unless the context otherwise requires, the words and terms defined in NRS
11 706.013 to 706.146, inclusive, have the meanings ascribed to them in those
12 sections.

13 **Sec. 3.** NRS 706.391 is hereby amended to read as follows:

14 706.391 1. Upon the filing of an application for a certificate of public
15 convenience and necessity to operate as a common motor carrier, other than an
16 operator of a tow car, or an application for modification of such a certificate, the
17 Authority *may hold a hearing to determine whether an applicant is entitled to a*
18 *certificate if the Authority finds that, after reviewing the information provided by*
19 *the applicant and inspecting the operations of the applicant, the Authority cannot*
20 *make a determination as to whether the applicant has complied with the*
21 *requirements of subsection 2. If the Authority proceeds with a hearing on the*
22 *application for a certificate, the Authority* shall fix a time and place for a hearing
23 on the application.

24 2. Except as otherwise provided in subsection 6, the Authority shall grant the
25 certificate or modification if it finds that:

26 (a) The applicant is financially and operationally fit, willing and able to
27 perform the services of a common motor carrier and that the operation of, and the
28 provision of such services by, the applicant as a common motor carrier will foster
29 sound economic conditions within the applicable industry;

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

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

35 (d) The proposed operation or the proposed modification will benefit and
36 protect the safety and convenience of the traveling and shipping public and the
37 motor carrier business in this State;

38 (e) The proposed operation, or service under the proposed modification, will be
39 provided on a continuous basis;

40 (f) The market identified by the applicant as the market which the applicant
41 intends to serve will support the proposed operation or proposed modification; and

42 (g) The applicant has paid all fees and costs related to the application.

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

47 4. In determining whether the applicant is fit to perform the services of a
48 common motor carrier pursuant to paragraph (a) of subsection 2, the Authority shall

1 consider whether the applicant has violated any provision of this chapter or any
2 regulations adopted pursuant thereto.

3 5. The applicant for the certificate or modification:

4 (a) Must submit a complete set of fingerprints of each natural person who is
5 identified by the Authority as a significant principal, partner, officer, manager,
6 member, director or trustee of the applicant and written permission authorizing the
7 Authority to forward the fingerprints to the Central Repository for Nevada Records
8 of Criminal History for submission to the Federal Bureau of Investigation for its
9 report;

10 (b) Has the burden of proving to the Authority that the proposed operation will
11 meet the requirements of subsection 2; and

12 (c) Must pay the amounts billed to the applicant by the Authority for the costs
13 incurred by the Authority in conducting any investigation regarding the applicant
14 and the application.

15 6. The provisions of subsections 2 to 5, inclusive, do not apply to an owner or
16 operator of a charter bus. The Authority shall grant the certificate or modification to
17 an owner or operator of a charter bus that is not a fully regulated carrier if the
18 Authority finds that the owner or operator of the charter bus has complied with the
19 provisions of subsection 1 of NRS 706.463 and any applicable regulations of the
20 Authority.

21 7. The Authority may issue or modify a certificate of public convenience and
22 necessity to operate as a common motor carrier, or issue or modify it for:

23 (a) The exercise of the privilege sought.

24 (b) The partial exercise of the privilege sought.

25 8. The Authority may attach to the certificate such terms and conditions as, in
26 its judgment, the public interest may require.

27 ~~9. The Authority [may dispense with the hearing on the application if, upon~~
28 ~~the expiration of the time fixed in the notice thereof, no petition to intervene has~~
29 ~~been filed on behalf of any person who has filed a protest against the granting of the~~
30 ~~certificate or modification.] shall approve or deny an application filed pursuant to~~
31 ~~this section within 9 months after the date on which the Authority receives the~~
32 ~~completed application. Any application which is not approved or denied within 9~~
33 ~~months shall be deemed to be approved and the Authority shall issue the~~
34 ~~certificate of public convenience and necessity.~~

35 **Sec. 4.** NRS 706.431 is hereby amended to read as follows:

36 706.431 1. A permit may be issued to any applicant therefor, authorizing in
37 whole or in part the operation covered by the application, if it appears from the
38 application or from any hearing held thereon that:

39 (a) The applicant is fit, willing and able properly to perform the service of a
40 contract motor carrier and to conform to all provisions of NRS 706.011 to 706.791,
41 inclusive, *and section 1 of this act* and the regulations adopted thereunder; and

42 (b) The proposed operation will be consistent with the public interest and will
43 not operate to defeat the legislative policy set forth in NRS 706.151.

44 2. *The Authority may hold a hearing to determine whether an applicant is*
45 *entitled to a permit if the Authority finds that, after reviewing the information*
46 *provided by the applicant and inspecting the operations of the applicant, the*
47 *Authority cannot make a determination as to whether the applicant has complied*
48 *with the requirements of subsection 1.* If the Authority proceeds with a hearing on
49 an application for a permit, the Authority shall fix a time and place for the hearing.

50 3. ~~[The Authority may dispense with the hearing, if any, on the application if,~~
51 ~~upon the expiration of the time fixed in the notice thereof, no petition to intervene~~
52 ~~has been filed on behalf of any person who has filed a protest against the granting~~
53 ~~of the permit.~~

1 ~~4.~~ An application must be denied if the provisions of subsection 1 are not
2 met.

3 ~~5.~~ 4. The Authority shall approve or deny an application for a permit
4 within 9 months after the date on which the Authority receives the completed
5 application. Any application which is not approved or denied within 9 months
6 shall be deemed to be approved and the Authority shall issue the permit.

7 5. The Authority shall revoke or suspend pursuant to the provisions of this
8 chapter the permit of a contract motor carrier who has failed to file the annual
9 report required in NRS 706.167 within 60 days after the report is due.

10 6. ~~5.~~ The Authority shall adopt regulations providing for a procedure by
11 which any contract entered into by a contract motor carrier after the contract motor
12 carrier has been issued a permit pursuant to this section may be approved by the
13 Authority without giving notice required by statute or by a regulation of the
14 Authority.

15 **Sec. 5.** NRS 706.4463 is hereby amended to read as follows:

16 706.4463 1. In addition to the other requirements of this chapter, each
17 operator of a tow car shall, to protect the health, safety and welfare of the public:

18 (a) Obtain a certificate of public convenience and necessity from the Authority
19 before the operator provides any services other than those services which the
20 operator provides as a private motor carrier of property pursuant to the provisions
21 of this chapter;

22 (b) Use a tow car of sufficient size and weight which is appropriately equipped
23 to transport safely the vehicle which is being towed; and

24 (c) Comply with the provisions of NRS 706.011 to 706.791, inclusive ~~4.~~, and
25 *section 1 of this act.*

26 2. A person who wishes to obtain a certificate of public convenience and
27 necessity to operate a tow car must:

28 (a) File an application with the Authority; and

29 (b) Submit to the Authority a complete set of fingerprints of each natural
30 person who is identified by the Authority as a significant principal, partner, officer,
31 manager, member, director or trustee of the applicant and written permission
32 authorizing the Authority to forward the fingerprints to the Central Repository for
33 Nevada Records of Criminal History for submission to the Federal Bureau of
34 Investigation for its report.

35 3. The Authority shall issue a certificate of public convenience and necessity
36 to an operator of a tow car if it determines that the applicant:

37 (a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

38 (b) Complies with the requirements of the regulations adopted by the Authority
39 pursuant to the provisions of this chapter;

40 (c) Has provided evidence that the applicant has filed with the Authority a
41 liability insurance policy, a certificate of insurance or a bond of a surety and
42 bonding company or other surety required for every operator of a tow car pursuant
43 to the provisions of NRS 706.291; and

44 (d) Has provided evidence that the applicant has filed with the Authority
45 schedules and tariffs pursuant to subsection 2 of NRS 706.321.

46 4. An applicant for a certificate has the burden of proving to the Authority
47 that the proposed operation will meet the requirements of subsection 3.

48 5. The Authority may hold a hearing to determine whether an applicant is
49 entitled to a certificate only if ~~4.~~

50 ~~(a) Upon the expiration of the time fixed in the notice that an application for a~~
51 ~~certificate of public convenience and necessity is pending, a petition to intervene~~
52 ~~has been granted by the Authority; or~~

1 ~~(b) The~~ *the* Authority finds that after reviewing the information provided by
2 the applicant and inspecting the operations of the applicant, it cannot make a
3 determination as to whether the applicant has complied with the requirements of
4 subsection 3.

5 6. The Authority shall approve or deny an application filed pursuant to this
6 section within 9 months after the date on which the Authority receives the
7 completed application. Any application which is not approved or denied within 9
8 months shall be deemed to be approved and the Authority shall issue the
9 certificate.

10 **Sec. 6.** NRS 706.736 is hereby amended to read as follows:

11 706.736 1. Except as otherwise provided in subsection 2, the provisions of
12 NRS 706.011 to 706.791, inclusive, *and section 1 of this act* do not apply to:

13 (a) The transportation by a contractor licensed by the State Contractors' Board
14 of the contractor's own equipment in the contractor's own vehicles from job to job.

15 (b) Any person engaged in transporting the person's own personal effects in
16 the person's own vehicle, but the provisions of this subsection do not apply to any
17 person engaged in transportation by vehicle of property sold or to be sold, or used
18 by the person in the furtherance of any commercial enterprise other than as
19 provided in paragraph (d), or to the carriage of any property for compensation.

20 (c) Special mobile equipment.

21 (d) The vehicle of any person, when that vehicle is being used in the
22 production of motion pictures, including films to be shown in theaters and on
23 television, industrial training and educational films, commercials for television and
24 video discs and tapes.

25 (e) A private motor carrier of property which is used for any convention, show,
26 exhibition, sporting event, carnival, circus or organized recreational activity.

27 (f) A private motor carrier of property which is used to attend livestock shows
28 and sales.

29 (g) The transportation by a private school of persons or property in connection
30 with the operation of the school or related school activities, so long as the vehicle
31 that is used to transport the persons or property does not have a gross vehicle
32 weight rating of 26,001 pounds or more and is not registered pursuant to NRS
33 706.801 to 706.861, inclusive.

34 2. Unless exempted by a specific state statute or a specific federal statute,
35 regulation or rule, any person referred to in subsection 1 is subject to:

36 (a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS
37 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

38 (b) All rules and regulations adopted by reference pursuant to paragraph (b) of
39 subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

40 (c) All standards adopted by regulation pursuant to NRS 706.173.

41 3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473,
42 706.475 and 706.6411 which authorize the Authority to issue:

43 (a) Except as otherwise provided in paragraph (b), certificates of public
44 convenience and necessity and contract carriers' permits and to regulate rates,
45 routes and services apply only to fully regulated carriers.

46 (b) Certificates of public convenience and necessity to operators of tow cars
47 and to regulate rates for towing services performed without the prior consent of the
48 owner of the vehicle or the person authorized by the owner to operate the vehicle
49 apply to operators of tow cars.

50 4. Any person who operates pursuant to a claim of an exemption provided by
51 this section but who is found to be operating in a manner not covered by any of
52 those exemptions immediately becomes liable, in addition to any other penalties

1 provided in this chapter, for the fee appropriate to the person's actual operation as
2 prescribed in this chapter, computed from the date when that operation began.

3 5. As used in this section, "private school" means a nonprofit private
4 elementary or secondary educational institution that is licensed in this State.

5 **Sec. 7.** This act becomes effective upon passage and approval.