

SENATE BILL NO. 335—SENATOR HAMMOND

MARCH 18, 2013

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to taxicabs. (BDR 58-1064)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: 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 taxicabs; requiring prospective drivers of taxicabs in certain counties to obtain certain health certificates; revising requirements for the issuance of certain health certificates to prospective drivers of taxicabs in certain counties; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 The Nevada Transportation Authority regulates common motor carriers of  
2 passengers, which include limousines and, in counties with a population of less  
3 than 700,000 (currently all counties other than Clark County), taxicabs. (NRS  
4 706.151) **Section 1** of this bill requires a person who wishes to be employed or to  
5 enter into a contract or lease to drive a taxicab in a county under the jurisdiction of  
6 the Nevada Transportation Authority to obtain a certificate from a physician or  
7 licensed chiropractic physician stating that he or she has examined the prospective  
8 driver and found that the prospective driver meets certain health requirements.  
9 **Section 1** also establishes the requirements and procedures to obtain such a  
10 certificate.

11 Under existing law, the Taxicab Authority regulates taxicabs in a county whose  
12 population is 700,000 or more (currently Clark County) and in any county that has,  
13 by ordinance, placed itself under the jurisdiction of the Taxicab Authority. (NRS  
14 706.881) Existing law requires a person who wishes to be employed as a taxicab  
15 driver in a county under the jurisdiction of the Taxicab Authority to meet certain  
16 health requirements. The prospective driver is required to obtain a health certificate  
17 issued by a physician stating that he or she has examined the prospective driver and  
18 found that the prospective driver meets those health requirements. (NRS 706.8842)  
19 **Section 8** of this bill revises existing law by providing that the examination and  
20 health certification may also be provided by a licensed chiropractic physician.  
21 **Section 9** of this bill makes the corresponding change to the provision of existing



\* S B 3 3 5 \*

22 law which prohibits the operator of a taxicab business from employing a driver  
23 unless the driver is in possession of the required health certificate.

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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  
2 thereto a new section to read as follows:

3     1. *Before applying to a taxicab motor carrier for employment*  
4 *or a contract or lease as a driver of a taxicab, a person must*  
5 *obtain a medical examiner's certificate with two copies thereof*  
6 *from a medical examiner who is licensed to practice in the State of*  
7 *Nevada. The prospective driver must provide a copy of the*  
8 *certificate to the taxicab motor carrier.*

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

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

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

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

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

25     706.011 As used in NRS 706.011 to 706.791, inclusive, *and*  
26 *section 1 of this act*, unless the context otherwise requires, the  
27 words and terms defined in NRS 706.013 to 706.146, inclusive,  
28 have the meanings ascribed to them in those sections.

29     **Sec. 3.** NRS 706.158 is hereby amended to read as follows:

30     706.158 The provisions of NRS 706.011 to 706.791, inclusive,  
31 *and section 1 of this act* relating to brokers do not apply to any  
32 person whom the Authority determines is:

33     1. A motor club which holds a valid certificate of authority  
34 issued by the Commissioner of Insurance;

35     2. A bona fide charitable organization, such as a nonprofit  
36 corporation or a society, organization or association for educational,  
37 religious, scientific or charitable purposes; or



1 3. A broker of transportation services provided by an entity  
2 that is exempt pursuant to NRS 706.745 from the provisions of NRS  
3 706.386 or 706.421.

4 **Sec. 4.** NRS 706.163 is hereby amended to read as follows:

5 706.163 The provisions of NRS 706.011 to 706.861, inclusive,  
6 *and section 1 of this act* do not apply to vehicles leased to or owned  
7 by:

8 1. The Federal Government or any instrumentality thereof.

9 2. Any state or a political subdivision thereof.

10 **Sec. 5.** NRS 706.2885 is hereby amended to read as follows:

11 706.2885 1. A certificate of public convenience and  
12 necessity, permit or license issued in accordance with this chapter is  
13 not a franchise and may be revoked.

14 2. The Authority may at any time, for good cause shown, after  
15 investigation and hearing and upon 5 days' written notice to the  
16 grantee, suspend any certificate, permit or license issued in  
17 accordance with the provisions of NRS 706.011 to 706.791,  
18 inclusive, *and section 1 of this act* for a period not to exceed 60  
19 days.

20 3. Upon receipt of a written complaint or on its own motion,  
21 the Authority may, after investigation and hearing, revoke any  
22 certificate, permit or license. If service of the notice required by  
23 subsection 2 cannot be made or if the grantee relinquishes the  
24 grantee's interest in the certificate, permit or license by so notifying  
25 the Authority in writing, the Authority may revoke the certificate,  
26 permit or license without a hearing.

27 4. The proceedings thereafter are governed by the provisions of  
28 chapter 233B of NRS.

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

30 706.736 1. Except as otherwise provided in subsection 2, the  
31 provisions of NRS 706.011 to 706.791, inclusive, *and section 1 of*  
32 *this act* do not apply to:

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

36 (b) Any person engaged in transporting the person's own  
37 personal effects in the person's own vehicle, but the provisions of  
38 this subsection do not apply to any person engaged in transportation  
39 by vehicle of property sold or to be sold, or used by the person in  
40 the furtherance of any commercial enterprise other than as provided  
41 in paragraph (d), or to the carriage of any property for  
42 compensation.

43 (c) Special mobile equipment.

44 (d) The vehicle of any person, when that vehicle is being used in  
45 the production of motion pictures, including films to be shown in



1 theaters and on television, industrial training and educational films,  
2 commercials for television and video discs and tapes.

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

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

8 (g) The transportation by a private school of persons or property  
9 in connection with the operation of the school or related school  
10 activities, so long as the vehicle that is used to transport the persons  
11 or property does not have a gross vehicle weight rating of 26,001  
12 pounds or more and is not registered pursuant to NRS 706.801 to  
13 706.861, inclusive.

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

17 (a) The provisions of paragraph (d) of subsection 1 of NRS  
18 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457  
19 and 706.458.

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

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

25 3. The provisions of NRS 706.311 to 706.453, inclusive,  
26 706.471, 706.473, 706.475 and 706.6411 which authorize the  
27 Authority to issue:

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

32 (b) Certificates of public convenience and necessity to operators  
33 of tow cars and to regulate rates for towing services performed  
34 without the prior consent of the owner of the vehicle or the person  
35 authorized by the owner to operate the vehicle apply to operators of  
36 tow cars.

37 4. Any person who operates pursuant to a claim of an  
38 exemption provided by this section but who is found to be operating  
39 in a manner not covered by any of those exemptions immediately  
40 becomes liable, in addition to any other penalties provided in this  
41 chapter, for the fee appropriate to the person's actual operation as  
42 prescribed in this chapter, computed from the date when that  
43 operation began.



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

4 **Sec. 7.** NRS 706.756 is hereby amended to read as follows:

5 706.756 1. Except as otherwise provided in subsection 2, any  
6 person who:

7 (a) Operates a vehicle or causes it to be operated in any carriage  
8 to which the provisions of NRS 706.011 to 706.861, inclusive, **and**  
9 **section 1 of this act** apply without first obtaining a certificate,  
10 permit or license, or in violation of the terms thereof;

11 (b) Fails to make any return or report required by the provisions  
12 of NRS 706.011 to 706.861, inclusive, **and section 1 of this act** or  
13 by the Authority or the Department pursuant to the provisions of  
14 NRS 706.011 to 706.861, inclusive **§**, **and section 1 of this act**;

15 (c) Violates, or procures, aids or abets the violating of, any  
16 provision of NRS 706.011 to 706.861, inclusive **§**, **and section 1**  
17 **of this act**;

18 (d) Fails to obey any order, decision or regulation of the  
19 Authority or the Department;

20 (e) Procures, aids or abets any person in the failure to obey such  
21 an order, decision or regulation of the Authority or the Department;

22 (f) Advertises, solicits, proffers bids or otherwise is held out to  
23 perform transportation as a common or contract carrier in violation  
24 of any of the provisions of NRS 706.011 to 706.861, inclusive **§**,  
25 **and section 1 of this act**;

26 (g) Advertises as providing:

27 (1) The services of a fully regulated carrier; or

28 (2) Towing services,

29 ↪ without including the number of the person's certificate of public  
30 convenience and necessity or contract carrier's permit in each  
31 advertisement;

32 (h) Knowingly offers, gives, solicits or accepts any rebate,  
33 concession or discrimination in violation of the provisions of this  
34 chapter;

35 (i) Knowingly, willfully and fraudulently seeks to evade or  
36 defeat the purposes of this chapter;

37 (j) Operates or causes to be operated a vehicle which does not  
38 have the proper identifying device;

39 (k) Displays or causes or permits to be displayed a certificate,  
40 permit, license or identifying device, knowing it to be fictitious or to  
41 have been cancelled, revoked, suspended or altered;

42 (l) Lends or knowingly permits the use of by one not entitled  
43 thereto any certificate, permit, license or identifying device issued to  
44 the person so lending or permitting the use thereof; or



1 (m) Refuses or fails to surrender to the Authority or Department  
2 any certificate, permit, license or identifying device which has been  
3 suspended, cancelled or revoked pursuant to the provisions of this  
4 chapter,

5 ➤ is guilty of a misdemeanor, and upon conviction thereof shall be  
6 punished by a fine of not less than \$100 nor more than \$1,000, or by  
7 imprisonment in the county jail for not more than 6 months, or by  
8 both fine and imprisonment.

9 2. Any person who, in violation of the provisions of NRS  
10 706.386, operates as a fully regulated common motor carrier without  
11 first obtaining a certificate of public convenience and necessity or  
12 any person who, in violation of the provisions of NRS 706.421,  
13 operates as a contract motor carrier without first obtaining a permit  
14 is guilty of a misdemeanor and shall be punished:

15 (a) For a first offense within a period of 12 consecutive months,  
16 by a fine of not less than \$500 nor more than \$1,000. In addition to  
17 the fine, the person may be punished by imprisonment in the county  
18 jail for not more than 6 months.

19 (b) For a second offense within a period of 12 consecutive  
20 months and for each subsequent offense that is committed within a  
21 period of 12 consecutive months of any prior offense under this  
22 subsection, by a fine of \$1,000. In addition to the fine, the person  
23 may be punished by imprisonment in the county jail for not more  
24 than 6 months.

25 3. Any person who, in violation of the provisions of NRS  
26 706.386, operates or permits the operation of a vehicle in passenger  
27 service without first obtaining a certificate of public convenience  
28 and necessity is guilty of a gross misdemeanor.

29 4. If a law enforcement officer witnesses a violation of any  
30 provision of subsection 2 or 3, the law enforcement officer may  
31 cause the vehicle to be towed immediately from the scene and  
32 impounded in accordance with NRS 706.476.

33 5. The fines provided in this section are mandatory and must  
34 not be reduced under any circumstances by the court.

35 6. Any bail allowed must not be less than the appropriate fine  
36 provided for by this section.

37 **Sec. 8.** NRS 706.8842 is hereby amended to read as follows:

38 706.8842 1. Before applying to a certificate holder for  
39 employment as a driver, a person must obtain a ~~physician's~~  
40 *medical examiner's* certificate with two copies thereof from a  
41 ~~physician~~ *medical examiner* who is licensed to practice in the  
42 State of Nevada.

43 2. A ~~physician~~ *medical examiner* shall issue the certificate  
44 and copies described in subsection 1 if the ~~physician~~ *medical*  
45 *examiner* finds that a prospective driver meets the health



1 requirements established by the Federal Motor Carrier Safety  
2 Regulations, 49 C.F.R. §§ 391.41 et seq.

3 3. The certificate described in subsection 1 must state that the  
4 ~~physician~~ *medical examiner* has examined the prospective driver  
5 and has found that the prospective driver meets the health  
6 requirements described in subsection 2. The certificate must be  
7 signed and dated by the ~~physician~~ *medical examiner*.

8 4. The ~~physician's~~ *medical examiner's* certificate required by  
9 this section expires 2 years after the date of issuance and may be  
10 renewed.

11 5. *As used in this section, "medical examiner" means a*  
12 *physician, as defined in NRS 0.040, or a chiropractic physician*  
13 *licensed pursuant to chapter 634 of NRS.*

14 **Sec. 9.** NRS 706.8843 is hereby amended to read as follows:

15 706.8843 1. A certificate holder shall not employ a driver  
16 unless the driver has obtained and has on the driver's person:

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

19 (b) A copy of a ~~physician's~~ *medical examiner's* certificate  
20 obtained pursuant to NRS 706.8842; and

21 (c) A driver's permit issued by the Administrator pursuant to  
22 rules and regulations of the Taxicab Authority.

23 2. A certificate holder shall, at the time the certificate holder  
24 employs a driver, provide the driver with a complete copy of the  
25 rules and regulations described in NRS 706.8844 to 706.8849,  
26 inclusive, and such other rules and regulations as may be adopted by  
27 the Taxicab Authority, and require the driver to sign a statement that  
28 the driver has received a copy of the regulations and has read and  
29 familiarized himself or herself with the contents thereof.

30 **Sec. 10.** This act becomes effective on January 1, 2014.

