

Assembly Bill No. 101–Assemblyman Ellison

CHAPTER.....

AN ACT relating to motor carriers; exempting the transportation of workers to and from certain work sites from the definition of “charter bus transportation” in certain counties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires drivers of charter buses, who are employed in providing charter bus transportation services, to have a driver’s permit issued by the Nevada Transportation Authority. (NRS 706.462) Among other requirements, to obtain a driver’s permit, an applicant must submit an application which includes the applicant’s fingerprints for the purpose of conducting a Federal Bureau of Investigation criminal background check. In addition, the applicant must pay upon both initial issuance and upon renewal a fee not to exceed \$50, as well as the cost for processing the fingerprints. (NRS 706.462)

This bill exempts from the definition of “charter bus transportation” buses used to transport workers to and from certain work sites, including, without limitation, construction sites, mines and renewable energy facilities, in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties). This exemption effectively removes drivers of such buses from the requirement to obtain and renew a driver’s permit and pay the requisite fees.

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

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

Section 1. NRS 706.462 is hereby amended to read as follows:

706.462 1. A person shall not drive a charter bus for the purposes of charter bus transportation, a motor vehicle for a fully regulated carrier of passengers or a taxicab motor carrier as an employee, independent contractor or lessee unless the person has been issued a driver’s permit by the Authority pursuant to this section.

2. The Authority shall issue a driver’s permit to each applicant who satisfies the requirements of this section. Before issuing a driver’s permit, the Authority shall:

(a) Require the applicant to submit a complete set of his or her fingerprints, which the Authority shall forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and may further investigate the applicant’s background; and

(b) Require proof that the applicant is employed or under a contract or lease agreement or has an offer of employment, a



contract or a lease agreement that is contingent on the applicant obtaining a driver's permit pursuant to this section and:

(1) Has a valid license issued pursuant to NRS 483.340 which authorizes the applicant to drive in this State any motor vehicle that is within the scope of the employment, contract or lease; or

(2) If the driver is a resident of a state other than Nevada, has a valid license issued by the state in which he or she resides which authorizes the applicant to drive any motor vehicle that is within the scope of the employment, contract or lease.

3. The Authority may refuse to issue a driver's permit if:

(a) The applicant has been convicted of:

(1) A felony, other than a sexual offense, in this State or any other jurisdiction within the 5 years immediately preceding the date of the application;

(2) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application; or

(3) A violation of NRS 484C.110 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct within the 3 years immediately preceding the date of the application.

(b) After further investigation into the applicant's background, if any, the Authority determines that the issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A driver's permit issued pursuant to this section is valid for not longer than 3 years, but lapses if the driver ceases to be employed by the carrier identified in the application for the original or renewal permit or if the contract or lease expires and the driver enters into a contract or lease with a different carrier. A driver must notify the Authority within 10 days after the lapse of a permit and obtain a new permit pursuant to this section before driving for a different carrier.

5. An applicant shall pay to the Authority:

(a) A fee for the processing of fingerprints which is to be established by the Authority and which may not exceed the fee charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(b) For an original driver's permit, a fee not to exceed \$50.

(c) For the renewal of a driver's permit, a fee not to exceed \$50.

6. As used in this section, "charter bus transportation" means transportation by bus of a group of persons who, pursuant to a common purpose and under a single contract, at a fixed charge for the motor vehicle, have acquired the exclusive use of the motor



vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. The term does not include:

(a) The transportation of passengers and their baggage in the same vehicle for a per capita charge between airports or between an airport and points and places in this State;

(b) The transportation at a per capita or an hourly rate of passengers to various points of interest for the purpose of sightseeing or visiting those points of interest where a narrated tour is presented to the passengers; ~~for~~

(c) The transportation of persons who have acquired the use of a vehicle for a special event between definite points of origin and destination, at a per capita rate ~~+~~; or

(d) In a county whose population is less than 100,000, the transportation of a group of persons to and from a single job site or work site, including, without limitation, a construction site, mine or facility or project for the production of renewable energy. As used in this paragraph:

(1) "Construction site" means any location at which construction work is being commenced or in progress.

(2) "Mine" means an excavation in the earth from which ores, coal or other mineral substances are extracted, or a subterranean natural deposit of minerals located and identified as such by the staking of a claim or other method recognized by law. The term includes, without limitation, a well drilled to extract minerals.

(3) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

- (I) Biomass;*
- (II) Fuel cells;*
- (III) Geothermal energy;*
- (IV) Solar energy;*
- (V) Waterpower; and*
- (VI) Wind.*

↪ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

Sec. 2. This act becomes effective upon passage and approval.

