

SENATE BILL NO. 440—COMMITTEE ON
COMMERCE, LABOR AND ENERGY

MARCH 23, 2015

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to transportation.
(BDR 58-983)

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; requiring a transportation network company to enter into an agreement with certain establishments before allowing a driver to pick up passengers at such an establishment; revising provisions relating to the provision of transportation services to persons with disabilities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the permitting and regulation of transportation
2 network companies. (Assembly Bill No. 176 of the 2015 Session) **Section 1** of this
3 bill prohibits a transportation network company from allowing a driver affiliated
4 with the company to pick up a passenger at an establishment which is a hotel with
5 1,000 or more rooms or a convention center with 400,000 or more square feet of
6 exhibit space unless: (1) the company has entered into an agreement with the
7 establishment, hotel or convention center; (2) the Nevada Transportation Authority
8 has been provided notice of the agreement; and (3) the driver complies with the
9 terms of the agreement. **Section 2** of this bill requires a transportation network
10 company which cannot provide a passenger with transportation services in a motor
11 vehicle that is wheelchair accessible to refer the passenger to any available,
12 alternative provider or means of transportation that is wheelchair accessible.
13 **Section 2** also requires a transportation network company to annually review the
14 availability of transportation services to diverse communities.



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

1 **Section 1.** Section 29 of Assembly Bill No. 176 of this session
2 is hereby amended to read as follows:

3 Sec. 29. 1. A transportation network company may
4 enter into an agreement with one or more drivers to receive
5 connections to potential passengers from the company in
6 exchange for the payment of a fee by the driver to the
7 company.

8 2. Before a transportation network company allows a
9 person to be connected to potential passengers using
10 the digital network or software application service of the
11 company pursuant to an agreement with the company, the
12 company must:

13 (a) Require the person to submit an application to the
14 company, which must include, without limitation:

- 15 (1) The name, age and address of the applicant.
16 (2) A copy of the driver's license of the applicant.
17 (3) A record of the driving history of the applicant.
18 (4) A description of the motor vehicle of the applicant
19 and a copy of the motor vehicle registration.

20 (5) Proof that the applicant has complied with the
21 requirements of NRS 485.185.

22 (b) At the time of application and not less than once every
23 3 years thereafter, conduct or contract with a third party to
24 conduct an investigation of the criminal history of the
25 applicant, which must include, without limitation:

26 (1) A review of a commercially available database
27 containing criminal records from each state which are
28 validated using a search of the primary source of each record.

29 (2) A search of a database containing the information
30 available in the sex offender registry maintained by each
31 state.

32 (c) At the time of application and not less than once every
33 year thereafter, obtain and review a complete record of the
34 driving history of the applicant.

35 3. A transportation network company may enter into an
36 agreement with a driver if:

37 (a) The applicant is at least 19 years of age.

38 (b) The applicant possesses a valid driver's license issued
39 by the Department of Motor Vehicles unless the applicant is
40 exempt from the requirement to obtain a Nevada driver's
41 license pursuant to NRS 483.240.



1 (c) The applicant provides proof that the motor vehicle
2 operated by him or her is registered with the Department of
3 Motor Vehicles unless the applicant is exempt from the
4 requirement to register the motor vehicle in this State
5 pursuant to NRS 482.385.

6 (d) The applicant provides proof that the motor vehicle
7 operated by him or her is operated and maintained in
8 compliance with all applicable federal, state and local laws.

9 (e) The applicant provides proof that he or she currently is
10 in compliance with the provisions of NRS 485.185.

11 (f) In the 3 years immediately preceding the date on
12 which the application is submitted, the applicant has not been
13 found guilty of three or more violations of the motor vehicle
14 laws of this State or any traffic ordinance of any city or town,
15 the penalty prescribed for which is a misdemeanor.

16 (g) In the 3 years immediately preceding the date on
17 which the application is submitted, the applicant has not been
18 found guilty of any violation of the motor vehicle laws of this
19 State or any traffic ordinance of any city or town, the penalty
20 prescribed for which is a gross misdemeanor or felony.

21 (h) In the 7 years immediately preceding the date on
22 which the application is submitted, the applicant has not been
23 found guilty of any violation of federal, state or local law
24 prohibiting driving or being in actual physical control of a
25 vehicle while under the influence of intoxicating liquor or a
26 controlled substance.

27 (i) In the 7 years immediately preceding the date on
28 which the application is submitted, the applicant has not been
29 found guilty of any crime involving an act of terrorism, an act
30 of violence, a sexual offense, fraud, theft, damage to property
31 of another or the use of a motor vehicle in the commission of
32 a felony.

33 (j) The name of the applicant does not appear in the
34 database searched pursuant to subparagraph (2) of paragraph
35 (b) of subsection 2.

36 4. *A transportation network company shall, before*
37 *allowing any driver affiliated with the company to pick up a*
38 *passenger at an establishment which is a hotel with 1,000 or*
39 *more rooms or a convention center with 400,000 or more*
40 *square feet of exhibit space, enter into an agreement with*
41 *the establishment, hotel or convention center and provide*
42 *notice of that agreement to the Authority. The agreement*
43 *required by this subsection must include, without limitation,*
44 *provisions governing the provision of transportation*



services on the property of the establishment, hotel or convention center.

5. A transportation network company shall terminate an agreement with any driver who:

(a) Fails to submit to the transportation network company a change in his or her address, driver’s license or motor vehicle registration within 30 days after the date of the change.

(b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history.

(c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not less than once each year and an investigation of his or her criminal history not less than once every 3 years.

(d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company.

(e) Fails to comply with the terms of an agreement entered into by the transportation network company pursuant to subsection 4.

Sec. 2. Section 32 of Assembly Bill No. 176 of this session is hereby amended to read as follows:

Sec. 32. 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 that is wheelchair accessible. If the company cannot provide the passenger with transportation services in a motor vehicle that is wheelchair accessible, the company must ~~direct~~ refer the passenger to ~~an~~ any available, alternative provider or means of transportation that is wheelchair accessible. ~~[, if available.]~~

4. At least annually, a transportation network company shall solicit public comment and review the availability of transportation services to diverse communities, including,



1 *without limitation, persons with disabilities and persons*
2 *who live outside of urban areas.*

3 **Sec. 3.** This act becomes effective upon passage and approval.

