

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON TRANSPORTATION

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 24, 1981

The Senate Committee on Transportation was called to order by Chairman Richard E. Blakemore, at 2:05 p.m., on Sunday, May 24, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Richard E. Blakemore, Chairman
Senator William Hernstadt, Vice Chairman
Senator Joe Neal
Senator Lawrence E. Jacobsen
Senator Wilbur Faiss
Senator James H. Bilbray

COMMITTEE MEMBER ABSENT:

Senator Clifford E. McCorkle

GUEST LEGISLATOR:

Assemblyman Robert Price

STAFF MEMBER PRESENT:

Kelly R. Torvik, Committee Secretary

SENATE BILL NO. 697

Mr. Jim Avance, Administrator, Taxicab Authority, stated the bill was requested by taxicab companies in Las Vegas. Those companies were concerned with the ability of the Taxicab Authority (T.A.) to introduce rules and regulations in Clark County to allow for a variable surcharge of gasoline. He said he had assured the taxicab companies that under the T.A.'s current rules and regulations it has the ability to introduce those rules and regulations. He also assured the companies that in the event of a gas tax being administered there would be a rate increase to compensate for the gas tax. Those assurances seemed to satisfy the companies' fears and concerns.

Senator Bilbray asked if the rate increase would cover all the companies' costs because of the gas tax. Mr. Avance stated the increase would cover the costs of the gas tax and would probably cover other costs because the T.A. is currently in the process of auditing for a general increase. The next

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increase the T.A. grants could possibly have some increased funds for the drivers. The last two rate increases in Clark County were based on gasoline and were granted after a public hearing. Mr. Avance wanted to preserve the T.A.'s ability to hold a public hearing in order to protect the public.

Senator Faiss moved that Senate Bill No. 697 be indefinitely postponed.

Senator Bilbray seconded the motion.

The motion passed. (Senator Neal, Senator Hernstadt, and Senator McCorkle were absent for the vote).

SENATE BILL NO. 701

Mr. Avance said the T.A. has regulatory problems. One of them being the fact that it cannot regulate the limousines in Clark County. One of the major catalysts for upheavals in the taxicab industry in Clark County is the limousine operations which run from the same locations as the taxicabs. The drivers of the taxicabs and limousines operate under different rules. The limousine drivers operate under more lenient rules, which causes a problem. The limousine drivers are able to affect the revenue of the taxicabs drivers because of the difference in regulations. Mr. Avance said the bill was drafted at his request. He cited a case where a man operated a transportation service in a motor home. The T.A. had no authority over the man because it only has jurisdiction over vehicles which carry five passengers. The Public Service Commission (P.S.C.) did not have the investigative staff to handle the situation. He stated the T.A. receives between five and ten complaints against limousines per week. Those complaints are passed on to the P.S.C. However the P.S.C. only receives approximately ten complaints per year. The residents and the tourists in Las Vegas view the T.A. as the transportation regulatory agency in the area. Passage of the bill would enhance the effectiveness of transportation in Clark County.

Senator Jacobsen asked how many limousines operate in Clark County. Mr. Avance stated there are approximately 100 limousines and four operators in Clark County.

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Senator Bilbray asked if the limousines operate similar to taxicabs. Mr. Avance stated the limousines operate similar to taxicabs and the limousines compete with the taxicabs for passengers.

Senator Jacobsen asked if the rates in limousines and taxicabs are the same. Mr. Avance said rates in limousines are based on the number of persons and length of the trip. The taxicab rates are based on the length of the trip.

Mr. Darrell Dreyer, representing Greyline Tours and Las Vegas Transit, voiced his opposition to the bill. He noted his companies operate the stretched-out limousines and full-size buses. They are presently regulated by the P.S.C. The companies also have a contract with with the airport. The contract stipulates the conduct of the drivers and the times of service. There is a possibility that one company could be regulated by two agencies if the bill were approved. There could be confusion as to which agency would have the proper ruling. Mr. Dreyer stated the T.A. was formed because of the problems with taxicabs in southern Nevada. It had nothing to do with limousines, small buses or buses. He did not feel the T.A. should be preserved by the placement of other industries under its jurisdiction.

Senator Jacobsen noted it would be less expensive for people to ride in the limousines and buses. Mr. Dreyer stated the limousines and buses are going to specific points and they would be cheaper to ride.

Senator Jacobsen asked if the limousine and bus services would be available 24 hours per day. Mr. Dreyer said the services are available 24 hours per day.

Mr. Don Walls, Treasurer of Silver State Limousine Service, Whittlesea VIP Limousine, and an employee of Whittlesea Blue Cab Company in Las Vegas, stated the T.A. was designed to meet the peculiar needs of the taxicab industry in Clark County. He did not feel the T.A. should be involved in other industries which are being handled well elsewhere. The limousine industry does not have a problem. The taxicabs have traditionally been a problem. He stated a limousine is a vehicle. It is not a type of service. It is used to provide different types of service: per capita service with shared occupancy, per capita service with exclusive occupancy, and the charter limousine service where an hourly fee is charged for exclusive use. The limousines serve areas other than the airport. He noted

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the possibility of competitors, with identical certificates of public convenience and necessity, being regulated by two different agencies. There is also the possibility of one company being regulated by two different agencies. This would be too much regulation of one company. He felt the limousines and taxicabs get the regulations they need. Limousines are generally in competition with buses rather than taxicabs. Mr. Walls voiced his opposition to the bill.

Senator Jacobsen asked what the major complaint is in regard to limousines. Mr. Walls said they receive very few complaints. However, they do receive complaints of different rates between charter services. All businesses receive complaints. He was surprised the T.A. received five to ten complaints per week.

Senator Jacobsen asked Mr. Walls if he felt the limousines were properly regulated by the P.S.C. Mr. Walls stated the limousines are far superior to taxicabs in quality. He stated limousines have become very popular.

Senator Jacobsen asked Mr. Walls if he was aware of any antagonism between the taxicab drivers and the limousine drivers. Mr. Walls said the taxicab drivers are antagonistic to any other form of transportation. He explained the management and drivers in the taxicab industry have found it convenient to limit the number of vehicles on the streets. They would like to limit the number of vehicles in other areas of transportation also.

Mr. Heber Hardy, Commissioner, Public Service Commission, stated he had two positions on the bill. "If he were going to remain with the P.S.C. he opposed the placement of limousines under the T.A. The P.S.C. has not viewed limousine transportation as a serious problem. He was not aware of the numerous complaints received by the T.A. He felt the statement that there was not enough investigative staff in the P.S.C. was incorrect. Mr. Hardy said because the bill was introduced so late in the session there would be no time to give an evaluation of the impact of the bill on the industry. Since Mr. Hardy is leaving, the P.S.C. would prefer the jurisdiction of limousines be transferred to the T.A. This would lessen the responsibilities of the P.S.C. Mr. Hardy felt an integrated overall look should be taken at all aspects of transportation in the state. The committee should not act hastily concerning only one aspect of transportation. He noted there is a movement towards deregulation which should be studied.

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Mr. Hardy noted the cost of regulation is much less under the P.S.C. The taxicabs in Las Vegas need the regulation which they receive under the T.A. Mr. Hardy noted the P.S.C.'s emphasis is turning more towards utilities.

Senator Jacobsen asked the most common form of regulations in the western United States. Mr. Hardy guessed there is more local regulation, as opposed to statewide regulations.

Senator Jacobsen asked if the regulations of limousines and small buses has given the P.S.C. many problems. Mr. Hardy stated limousines and small buses have given the P.S.C. very little difficulty in regard to regulations. There have been very few complaints from the public. Most complaints are between the industries.

Mr. Daryl Capurro, Managing Director, Nevada Motor Transport Association, agreed with the comments made by Mr. Walls and Mr. Hardy. He suggested the committee consider conducting a thorough professional study regarding the regulations in the state. Since Nevada is a bridge state, it's transportation problems are different in nature from those problems in destination states. He was concerned about deregulations and the transfer of authority from one agency which handled the problems of an industry efficiently to another agency which regulates a different kind of service. He noted taxicab service is one which takes a passenger to his specific destination, while limousine service is one which has a pre-established destination. There are many different types of limousine services which do not lend themselves to the strict and narrow regulations of the T.A.

Senator Bilbray pointed out the chairman of the P.S.C. would prefer the limousines be regulated by the T.A. Mr. Capurro noted the chairman is only one member of the P.S.C. and he is not the transportation representative. The individual who will represent the transportation industry in the P.S.C. will not join the P.S.C. until September 1, 1981. She may have a different position on the limousine issue than the chairman. He felt because two-thirds of the commission will be new it ought to be given the chance to look at transportation during the interim.

Senator Bilbray stated the legislature will be doing very few studies during the interim. Senator Hernstadt said the P.S.C. or the T.A. can study the problems. Mr. Capurro preferred that the agencies and private interests be given the chance to study the problems of transportation.

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Mr. Zel Lowman, representing four taxicab companies and a limousine franchise in southern Nevada, agreed with the comments concerning deregulation. However, in the case where there is a service competing with a regulated industry it is an unfair situation. Limousines compete with taxicabs regardless of the type of service which is being provided. There should be regulation of the limousines. He stated the problem is before the legislature to be solved. Waiting two years to solve the problem when there is an unfair, competitive situation is unconscionable. He urged passage of Senate Bill No. 701.

Senator Hernstadt asked Mr. Lowman if he would support the abolishment of the T.A. Mr. Lowman stated abolishment of the T.A. was tried in the past and it did not work. The T.A. is needed for the taxicab industry. Senator Hernstadt stated the T.A. is fragile and unconstitutional. The abolishment of the T.A. may solve the question of its constitutionality.

Senator Jacobsen asked if the motels or hotels recommend a form of transportation to their patrons. Mr. Lowman suspected motels or hotels supply some sort of bus service to their patrons.

ASSEMBLY BILL NO. 337

Assemblyman Price supported the possibility of small bus systems being very helpful in transporting people. An application can be made to the T.A. to provide service to a specific area. The small buses would not be allowed to duplicate any of the main bus routes. The idea being small bus routes going through neighborhoods and to shopping centers. There is also the possibility of the small buses transporting people to the main bus lines. There are three possible combinations of ownership of the equipment used on the small bus routes. The small buses could be owned by the certificate holder, the certificate holder could contract to lease the buses to a driver, or the driver could own the buses and contract with the certificate holder for a route. The T.A. would be the regulatory agency controlling the small bus systems. Assemblyman Price noted the concept had never been tried in Clark County. There are small bus systems which work in other cities. Assemblyman Price noted there was a great deal of opposition to the concept. However, if an individual wants to finance a system which could service the public under regulations that individual should be allowed to try to make the concept work.

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Senator Hernstadt asked if existing transportation companies could try the concept. Assemblyman Price explained existing companies could make application to the T.A. for a certificate to operate a small bus system.

Assemblyman Price pointed out the T.A. would not be controlling every bus which carried between 10 and 25 passengers. Only the buses which operate in a small bus system, providing transportation on designated routes, would be regulated. He felt it would be easier for the existing transportation companies to begin small bus routes.

Senator Bilbray stated he supported the concept of the bill. He was concerned the small buses would be allowed to pick up passengers along the "strip". Assemblyman Price stated the small bus systems would not be allowed to pick up passengers along the "strip". He did not feel the small bus systems should be allowed to compete with the existing large bus transit lines.

Senator Bilbray asked what would happen if a mass transportation system included a route which was operated by a small bus system. Would the small buses be allowed to continue their route or would their franchise right be cancelled. Assemblyman Price stated the large bus transit lines may see a route where a small bus system is making a profit. The large bus transit lines could make application for that route. When making application they would have to show a need. He felt the P.S.C. or the T.A. would have complete control over the operation of the small bus systems. Assemblyman Price noted a small bus operator would not have to own all or any part of the vehicles. He questioned why the concept was not considered before since it is being used in other cities. He stated the Assembly Committee on Transportation supported the concept and attempted to give the regulatory agency as much flexibility as possible to set up regulations. He did not envision any company being a mini-regulatory agency.

Senator Jacobsen asked if passage of the bill would allow a motel or hotel to run a small bus steadily. Assemblyman Price stated the motels and hotels are currently allowed to run steady small bus routes. He stated currently the motel and hotel buses are not regulated because there is no charge for the service. He noted there may be a need for regulations to provide for handicapped people riding small buses.

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Mr. Avance stated he was not opposed to having the jurisdiction over small bus systems. He noted there is a transportation problem in Clark County. He said the Regional Streets and Transportation Commission in Las Vegas had studied the small bus concept. One study determines a small bus system would not be financially sound and another study determines the concept is a good idea. He felt one reason why the small bus systems would be placed under the jurisdiction of the T.A. is because the T.A. has the time and personnel to study the problem. The P.S.C. does not have the time to make a detailed study. He noted the small bus systems would be operating on a fixed route and would not be in competition with taxicabs or limousines. Small bus systems could even enhance the operation of taxicabs and limousines. The T.A. has the regulatory staff to handle small bus systems. He envisioned existing transportation companies applying for the small bus routes. Mr. Avance felt the small bus concept is worth studying. There is a bus company in Las Vegas which currently has the ability to run a small bus system. He felt if that bus company did not choose to run a small bus system it should give others a chance. He stated the T.A. is willing to study the possibilities of a small bus system and put together regulations if they are needed.

Senator Bilbray asked which regulatory agency would have jurisdiction in the counties which are not currently under the T.A. jurisdiction. Mr. Avance believed the P.S.C. currently has the ability to regulate small bus systems. The T.A. would be the regulatory agency where they T.A. has jurisdiction over taxicabs, which presently is in Clark County.

Senator Neal asked what portion of the fares the T.A. would receive. Mr. Avance explained the small bus systems would pay the T.A. \$400 per year for the license fee. That would be adequate to get the program started.

Mr. Dreyer read a portion of the testimony of Mr. Barry Perea, representative of Greyline Tour and Las Vegas Transit, before the Assembly hearing on Assembly Bill No. 337. His companies believe in the private enterprise system. Mr. Perea said, "Although we do not believe the system of small buses will work, we firmly believe if someone wants to risk their own money, that is their business." Mr. Perea also points out that he does not believe the small buses are the answer but under NRS Chapter 706 small bus systems are allowed for in the P.S.C. Passage of the bill would make another regulatory body larger by expanding their scope of responsibility. He

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noted Mr. Robert Paul Starr, a man who had done a great deal of lobbying for the bill, had gone to the P.S.C. He said the P.S.C. would dictate the fares, not the T.A. The P.S.C. would be the proper agency to handle small bus systems.

Mr. Hardy said the P.S.C. does not have the authority to grant the certificate for a small bus system as proposed in Assembly No. 337. The bill allows the leasing of equipment, either from the certificate holder or the person who is actually providing the service. Under the present rules and regulations of the P.S.C. there is a 50 percent rule where the certificate holder cannot lease more than 50 percent of his fleet. It is not presently feasible to enact the type of concept which is described in the bill under P.S.C. rules and regulations. Mr. Hardy did not take a position on the bill. He noted legislation was recently approved which reduces the number of inspectors in the P.S.C. and the P.S.C. would not be in a position to handle more responsibilities.

Senator Jacobsen asked if vehicles are inspected on site or are they taken to a place for inspection. Mr. Hardy explained vehicles are inspected in the company yards and on the road.

Mr. Walls said if an individual shows a need and necessity for a small bus service and the individual is willing to finance the service they should be permitted to provide the service. He stated he would prefer to see the T.A. limited to regulating taxicabs because it was intended for that purpose. The taxicab provisions in NRS Chapter 706.881 through 706.885 are designed specifically for taxicabs. Applying those provisions to limousines or small buses by the addition of the terms "limousines" or "small buses" throughout the provisions is not giving the limousines or small buses a fair consideration. An individual is required to prove his financial ability and the need and necessity for the service when he applies for his certificate. He was concerned an individual could enter the small bus service industry and not have any money invested in the equipment.

Senator Neal asked if the limousine services and the taxicabs would be willing to assign themselves to designated routes in order to solve the transportation problems and meet the needs of the public. Mr. Walls stated he is not opposed to the concept which is the basis of the bill. He did not feel that a small bus service could be compensatory. He also opposed the leasing of taxicabs.

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Senator Faiss noted the small bus service concept seemed to have been successful in other areas of the country. He asked why it had not been tried before in Las Vegas. Mr. Walls believed the small bus service concept has been successful in very few places. It may be successful in places which have a concentration of population with a common destination. These routes are generally not scheduled. They are run on a reservation basis.

Senator Jacobsen asked Mr. Walls if his company had ever explored the possibility of developing a small bus system. Mr. Walls stated his company keeps alert to all possibilities. Las Vegas people are traditionally not bus riders. Available parking does not encourage individuals to use bus services.

Mr. Walls noted the highest ridership is to and from the airport. He knew of no scheduled bus service to and from the airport. If the bill were passed it would permit the granting of authority to provide service. This would cause complaints from all forms of transportation that serve the airport.

Chairman Blakemore noted the committee is concerned for the individuals who use the services.

Mr. Walls believed on page two, lines eight through ten, the language should read "Taxicab Authority" rather than "Administrator." This was because the T.A. should adopt the regulations rather than the executive.

SENATE BILL NO. 459

Senator Bilbray moved the committee concur with Amendment No. 1060 to the bill.

Senator Faiss seconded the motion.

The motion passed. (Senator Hernstadt and Senator McCorkle were absent for the vote).

ASSEMBLY BILL NO. 179

Chairman Blakemore stated he had an amendment drafted which would change Section One, page one, line seven by deleting "400" and inserting "275." On page four the words "unless waived by the grantee" would be inserted. This would allow the guilty party to waive his right to a hearing. The amendment was suggested by Mr. Avance. Mr. Avance explained by amending the

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the 400 figure the T.A. would remain in existence in Clark County. The T.A. could prove there were 275 taxicabs in existence in 1969 when the T.A. was established.

Mr. Avance explained he had another amendment to the bill which would take the limitations out of the bill and the T.A. would operate on a statewide basis. He feared the T.A. would still be deemed unconstitutional even though it would be based on the number of taxicabs rather than on population. He personally preferred the T.A. being given statewide jurisdiction with authority to set up appropriate rules and regulations for each county.

Senator Jacobsen stated he would oppose a statewide T.A. because there is no need for a statewide T.A. He suggested the committee consult legal counsel to determine what should be done to see that the T.A. is not deemed unconstitutional. Mr. Avance stated the Legislative Counsel Bureau believes basing the T.A. on the number of taxicabs would be constitutional. He noted the Legislative Counsel Bureau believed basing the T.A. on population would be constitutional.

Senator Neal felt it would be necessary to establish the T.A. on a statewide basis in order to solve the question of constitutionality. Senator Jacobsen noted there is not a statewide problem. Chairman Blakemore suggested the local entities be given the option of adopting the T.A.

Senator Neal said the taxicabs and limousines play an integral part of the tourist trade in the state. The state has the responsibility to protect the tourist trade. If the state is going to protect the tourist trade it should be done on a statewide basis.

Chairman Blakemore stated he would support the establishment of the T.A. on a statewide basis if it would solve the problem of constitutionality. However, he felt the counties should be given the option of adopting the T.A.

Senator Bilbray suggested the bill be amended with a 250 registered taxicab limitation and allow the county commissions with less than 250 registered taxicabs to adopt the T.A. If the 250 figure were deemed unconstitutional there would still be a provision allowing the county commissions to adopt the T.A.

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The committee agreed that it wants to protect the T.A. from being deemed unconstitutional. Chairman Blakemore suggested the committee ask Mr. Daykin if there is any way to legally put the T.A. on a statewide basis without forcing the counties to accept the T.A. but giving the counties the option to accept the T.A. The committee recessed at 3:35 p.m. in order that an opinion could be obtained from Mr. Daykin. The committee reconvened at 3:55 p.m.

Senator Neal explained Mr. Daykin's remarks. Mr. Daykin said the establishment of the T.A. on a statewide basis would solve the question of constitutionality. The question of constitutionality could also be solved by giving the counties which do not currently have the T.A. the option of adopting the T.A.

Senator Jacobsen stated he supported giving the counties the option of adopting the T.A. He questioned if Senator McCorkle would support such a provision. Senator Hernstadt suggested the T.A. be given statewide authority and then the counties could have the option of adopting the P.S.C.

Senator Jacobsen stated he would prefer that the counties be under the jurisdiction of the P.S.C. with the option of going under the T.A.

Senator Bilbray noted it would be necessary to provide that once a county opted to be under the jurisdiction of the T.A. it would require legislative approval for the county to go back under the jurisdiction of the P.S.C. This would prevent the counties from going back and forth under the P.S.C. and T.A.

Chairman Blakemore asked Senator Bilbray to obtain an amendment which would establish the T.A. on a statewide basis and any county which opted to have the T.A. jurisdiction in its county could do so. Also, once a county opted to be under the jurisdiction of the T.A. it would require legislative approval for that county to go back under the jurisdiction of the P.S.C.

Senator Jacobsen asked if there was any way to get an opinion from the county commissioners in Clark County regarding their position on the bill. Senator Hernstadt stated Manny Cortez, Clark County Commissioner, does not like the bill. However, passage of the bill is the committee's only option to make the T.A. constitutional. Mr. Dreyer stated the county commissioners did not favor Senate Bill No. 318 which would take similar action.

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Senator Neal was concerned about the provision which would require a county to get legislative approval to go back under the jurisdiction of the P.S.C. There is a possibility none of the counties would opt to go under the T.A. because of the provision and the T.A. would still be declared unconstitutional.

ASSEMBLY BILL NO. 109

Senator Neal moved the bill receive a do pass recommendation.

Senator Hernstadt seconded the motion.

The motion passed. (Senator McCorkle was absent for the vote).

ASSEMBLY BILL NO. 73 (See Exhibit C)

Senator Jacobsen moved the bill receive a do pass recommendation.

Senator Neal seconded the motion.

The motion passed. (Senator McCorkle was absent for the vote).

ASSEMBLY BILL NO. 238

Senator Neal moved that the committee reconsider action whereby it amended and passed the bill.

Senator Bilbray seconded the motion.

The motion passed. (Senator McCorkle was absent for the vote; Senate Faiss abstained).

* * *

Senator Neal moved the bill be indefinitely postponed.

Chairman Blakemore explained the rationale behind the action taken on Assembly Bill No. 238. He said Mr. Hardy and Mr. Capurro had testified that it would not be wise to deregulate the industries one at a time. There should be an overall study of the transportation in the state before deregulation should take place.

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Senator Bilbray seconded the motion.

The motion passed. (Senator McCorkle was absent for the vote; Senator Faiss abstained).

ASSEMBLY BILL NO. 109 (See Exhibit D)

Senator Neal moved that the committee rescind the action whereby it gave the bill a do pass recommendation.

Senator Hernstadt seconded the motion.

The motion passed. (Senator McCorkle was absent for the vote).

* * *

Senator Hernstadt moved the bill receive an amend and do pass recommendation with the two amendments proposed by the Department of Motor Vehicles, Amendment No. 1221 and Amendment No. 1222.

Senator Faiss seconded the motion.

The motion passed. (Senator McCorkle was absent for the vote).

SENATE BILL NO. 701

Senator Bilbray moved the bill receive a do pass recommendation.

Senator Faiss seconded the motion.

The motion failed. (Senator Blakemore, Senator Hernstadt, Senator Neal and Senator Jacobsen voted "No"; Senator McCorkle was absent for the vote).

* * *

Senator Hernstadt moved the bill be indefinitely postponed.

Senator Jacobsen seconded the motion.

The motion failed. (Senator Neal, Senator Faiss and Senator Bilbray voted "No"; Senator McCorkle was absent for the vote).

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ASSEMBLY BILL NO. 337

Senator Neal was concerned the bill would allow an individual to obtain a certificate and that individual would not be required to have a financial interest in the equipment which operates under the certificate.

Senator Hernstadt suggested that the P.S.C. or the T.A. be allowed to permit small bus systems by regulations. If someone makes a good case to the regulatory agency it would provide for them to establish service. Chairman Blakemore noted the P.S.C. presently has the authority to allow small bus systems.

Senator Jacobsen moved the bill be indefinitely postponed.

Senator Hernstadt seconded the motion.

Senator Neal asked the committee to wait before taking action on the bill.

Senator Jacobsen withdrew his motion.

Senator Hernstadt withdrew his second of the motion.

There being no further business, the meeting adjourned at 4:15 p.m.

Respectfully submitted by:


Kelly R. Torvik

APPROVED:


Senator Richard E. Blakemore
Chairman

Dated: 5/28 , 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Transportation, Room 323.

Day Sunday, Date May 24, 1981, Time p.m.
(to be announced)

S. B. No. 697--Authorizes variable fuel surcharge on rates of taxicabs and makes assorted administrative changes concerning taxicabs.

S. B. No. 701--Provides for regulation of limousines by taxicab authority.

The committee will hear any other bills which are referred to it before the meeting.

SENATE COMMITTEE ON TRANSPORTATION

DATE: May 24, 1981

EXHIBIT B

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
Jim Avance	TAXIERS AUTHORITY	376 5323
Russell Dreyer P.S. walls	LU TRANSPORTATION Whittemore St, Silver State Room	823-5036
HEBER HARDY	P. S. C.	885-4117
Daryl E. Capurro	NEV. MOTOR TRANSPORT ASSN	331-6884
Art Zimmerman	Zimmerman Management Services	871-1123

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A.B. 73

ASSEMBLY BILL NO. 73—ASSEMBLYMEN
BREMNER AND BARENGO

JANUARY 29, 1981

Referred to Committee on Transportation

SUMMARY—Makes organizational structure of department of motor vehicles discretionary with director. (BDR 43-284)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the department of motor vehicles; making the organizational structure of portions of the department discretionary with the director, with the approval of the legislature or the interim finance committee; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 481.067 is hereby amended to read as follows:
2 481.067 1. The department [shall consist of:
3 1. The] *may include:*
4 (a) A registration division.
5 [2. The] (b) A motor carrier division.
6 [3. The] (c) A drivers' license division.
7 [4. The] (d) A Nevada highway patrol division and communica-
8 tions subdivision.
9 [5. The] (e) An administrative services division.
10 [6. The] (f) An automation division.
11 [7.] (g) Such other divisions as the director may [in his discretion]
12 from time to time establish.
13 2. *Before he reorganizes the department, the director shall obtain the*
14 *approval of:*
15 (a) *The legislature, if it is in regular session; or*
16 (b) *The interim finance committee, if the legislature is not in regular*
17 *session.*
18 SEC. 2. NRS 481.071 is hereby amended to read as follows:
19 481.071 1. *Any change in the organization of the department may*
20 *include the divisions, functions and responsibilities described in subsec-*
21 *tion 2 but must not include those described in subsection 3.*

1 2. ~~[The]~~ Unless the organization of the department is changed by
2 the director, the primary functions and responsibilities of the ~~[various]~~
3 specified divisions of the department ~~[shall be]~~ are as follows:

4 ~~[1.]~~ (a) The registration division shall execute, administer and
5 enforce the provisions of chapter 482 of NRS and ~~[shall]~~ perform such
6 duties and exercise such powers as may be conferred upon it pursuant to
7 chapter 482 of NRS and the provisions of any other laws.

8 ~~[2.]~~ (b) The motor carrier division ~~[shall execute,]~~ shall:

9 (1) Execute, administer and enforce the laws relative to the licensing
10 of motor vehicle carriers and the use of public highways by such carriers
11 as contained in chapter 706 of NRS ~~[, and shall perform]~~ ;

12 (2) Perform such duties and exercise such powers as may be con-
13 ferred upon it pursuant to chapter 706 of NRS and the provisions of any
14 other laws ~~[and shall execute,]~~ ;

15 (3) Execute, administer and enforce the provisions of chapter 366 of
16 NRS, relating to imposition and collection of taxes on special fuels used
17 for motor vehicles ~~[, and shall perform]~~ ; and

18 (4) Perform such duties and exercise such powers as may be con-
19 ferred upon it pursuant to chapter 366 of NRS and the provisions of any
20 other laws.

21 ~~[3.]~~ (c) The drivers' license division shall execute, administer and
22 enforce the provisions of chapter 483 of NRS and ~~[shall]~~ perform such
23 duties and exercise such powers as may be conferred upon it pursuant to
24 chapter 483 of NRS and the provisions of any other laws.

25 [4. The Nevada highway patrol division shall execute, administer
26 and enforce the provisions of chapter 484 of NRS and shall perform
27 such duties and exercise such powers as may be conferred upon it pursu-
28 ant to NRS 481.180 and the provisions of any other laws.

29 5.] (d) The administrative services division shall furnish fiscal and
30 accounting services to the director and the various divisions and ~~[shall]~~
31 advise and assist the director and the various divisions in carrying out
32 their functions and responsibilities.

33 3. The primary functions and responsibilities of the Nevada highway
34 patrol division are to execute, administer and enforce the provisions of
35 chapter 484 of NRS and perform such duties and exercise such powers
36 as may be conferred upon it pursuant to NRS 481.180 and the provi-
37 sions of any other laws.

38 Sec. 3. NRS 485.033 is hereby amended to read as follows:

39 485.033 "Division" means the drivers' license division of the depart-
40 ment of motor vehicles ~~[.]~~ or any other division to which the administra-
41 tion of this chapter is assigned by the director.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 109

ASSEMBLY BILL NO. 109—ASSEMBLYMEN HAYES,
BREMNER, PRICE AND WESTALL

FEBRUARY 4, 1981

Referred to Committee on Transportation

SUMMARY—Makes various changes to laws governing financial responsibility of owners or operators of motor vehicles. (BDR 43-292)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to motor vehicles; providing for suspension of operating privileges and registration for failure to maintain proof of financial responsibility; making certain other changes relating to proof of financial responsibility; revising provisions for judicial review; raising the amount of damage above which an accident report is required; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 485 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.
3 SEC. 2. "Registered owner" means a person whose name appears in
4 the records of the registration division of the department of motor
5 vehicles as the person to whom the vehicle is registered.
6 SEC. 3. The department of motor vehicles shall suspend the operat-
7 ing privileges and registration of any person convicted of violating NRS
8 485.185. Those operating privileges and registration must remain sus-
9 pended until he shows proof of financial responsibility as set forth in
10 NRS 485.307. He shall maintain proof of financial responsibility for 3
11 years after the reinstatement of his operating privileges and registration
12 in accordance with the provisions of this chapter, and if he fails to do so
13 those operating privileges and registration must again be suspended.
14 SEC. 4. NRS 485.020 is hereby amended to read as follows:
15 485.020 [When] As used in this chapter, unless the context other-
16 wise requires, the words and phrases in NRS 485.033 to 485.120, inclu-
17 sive, [shall, for the purposes of this chapter,] and section 2 of this act,
18 have the meanings [respectively] ascribed to them in [NRS 485.033 to
19 485.120, inclusive, except in those instances where the context clearly
20 indicates a different meaning.] those sections.

1 Sec. 5. NRS 485.140 is hereby amended to read as follows:
2 485.140 ~~1.~~ Any person aggrieved by [an order or act of the
3 division, under the provisions of NRS 485.150 to 485.300, inclusive,
4 may, within 10 days after notice thereof, file a petition in the district
5 court of Carson City for a trial de novo to determine whether such
6 order or act is lawful and reasonable. The filing of such a petition shall
7 not suspend the order or act of the division unless a stay thereof shall
8 be allowed by a judge of the district court pending final determination
9 of the matter.

10 2. The court shall summarily hear the petition and may make any
11 appropriate order or decree.] a final decision in a contested case before
12 the division under this chapter must file a petition in the appropriate
13 district court within 10 days after the decision is rendered to be entitled
14 to judicial review of the decision.

15 Sec. 6. NRS 485.150 is hereby amended to read as follows:

16 485.150 1. Except as provided in subsection 2, the operator of
17 every motor vehicle which is in any manner involved in an accident
18 within this state, in which any person is killed or injured or in which
19 damage to the property of any one person, including himself, in excess of
20 [\$250] \$350 is sustained, shall within 10 days after [such] that acci-
21 dent report the matter in writing to the division. Whenever damage occurs
22 to a motor vehicle, the operator shall attach to the accident report an
23 itemized estimate of repairs from an established repair garage, an adjuster
24 licensed under chapter 684A of NRS, or a motor vehicle physical dam-
25 age appraiser licensed under chapter 684B of NRS.

26 2. In the case of any operator of any motor vehicle subject to the
27 jurisdiction of the Interstate Commerce Commission or the public service
28 commission of Nevada, [such] the report need not be filed until the
29 10th day of the month following the month in which the accident
30 occurred.

31 Sec. 7. NRS 485.185 is hereby amended to read as follows:

32 485.185 1. Every registered owner of a motor vehicle registered [or
33 required to be] in this state and every owner of a motor vehicle which
34 is not registered in this state as required, shall continuously provide with
35 respect to the motor vehicle while it is either present or registered in this
36 state, by a contract of insurance or by qualifying as a self-insurer, secu-
37 rity in the amounts set for in NRS 485.105 as proof of financial respon-
38 sibility for payment of tort liabilities, arising from maintenance or use
39 of the motor vehicle.

40 2. Security may be provided by a contract of insurance or by quali-
41 fying as a self-insurer in compliance with this chapter.

42 3. Whenever an application for a driver's license or for registration
43 of a vehicle is made by a person required to maintain proof of financial
44 responsibility by the state of his prior residency, he must file proof with
45 the division of his financial responsibility before he may obtain a license,
46 and maintain it for the period of time which that state requires. If he does
47 not so maintain it, his license and registration must be suspended.

48 Sec. 8. NRS 485.190 is hereby amended to read as follows:

49 485.190 1. If 20 days after the receipt of a report of a motor
50 vehicle accident within this state which has resulted in bodily injury or

1 death, or damage to the property of any one person in excess of **[\$250,**
2 **\$350,** the division does not have on file evidence satisfactory to it that
3 the person who would otherwise be required to file security under sub-
4 section 2 of this section has been released from liability, or has been
5 finally adjudicated not to be liable, or has executed a duly acknowledged
6 written agreement providing for the payment of an agreed amount in
7 installments with respect to all claims for injuries or damages resulting
8 from the accident, the division shall upon request set the matter **[down]**
9 for a hearing as provided in NRS 485.191.

10 2. The division shall, at any time after a determination adverse to
11 an operator or owner pursuant to NRS 485.191, suspend the license of
12 each operator and all registrations of each owner of a motor vehicle in
13 any manner involved in such an accident, and, if the operator is a non-
14 resident, the privilege of operating a motor vehicle within this state, and,
15 if **[such] the** owner is a nonresident, the privilege of the use within this
16 state, of any motor vehicle owned by him, unless **[such] the** operator
17 or owner or both **[shall]** deposit security in the sum so determined
18 by the division. Notice of such a suspension **[shall]** *must* be sent by
19 the division to **[such] the** operator and owner not less than 10 days
20 **[prior to]** *before* the effective date of **[such] the** suspension and
21 **[shall]** *must* state the amount required as security. Where erroneous
22 information is given the division with respect to the matters set forth in
23 subsections 1, 2 or 3 of NRS 485.200, the division shall take appropriate
24 action as **[hereinbefore]** provided in this section after it receives correct
25 information with respect to **[such] those** matters.

26 SEC. 9. NRS 485.191 is hereby amended to read as follows:

27 485.191 1. Any operator or owner who was involved in an accident,
28 and at the time of **[such] the** accident did not have **[an automobile]** a
29 liability insurance policy in effect **[.]** *for the motor vehicle involved,* or
30 who is not otherwise exempt from the requirements of depositing secu-
31 rity by the provisions of NRS 485.200, **[shall have the right]** *is entitled*
32 to a hearing before the director or his representative **[prior to]** *before* a
33 determination of the amount of security required pursuant to NRS 485-
34 190, and **[prior to]** *before* the suspension of **[such person's]** *his* opera-
35 tor's license or registration as provided in subsection 2 of NRS 485.190.
36 The hearing **[shall]** *must* be held in the county of residence of **[such]**
37 *the* operator. If the operator and owner reside in different counties and
38 the hearing would involve both of them, the hearing **[shall]** *must* be
39 held in the county which will be the most convenient for the **[subpena]**
40 *summoning* of witnesses.

41 2. The owner or operator **[shall]** *must* be given at least 30 days'
42 notice of the hearing in writing with a brief explanation of the proceed-
43 ings to be taken against him and the possible consequences of a determi-
44 nation adverse to **[such operator or owner.]** *him.*

45 3. If the operator or owner desires a hearing, he shall, within **[30]**
46 *15* days, notify the division in writing of his intention. If **[such person]**
47 *he* does not send **[such] this** notice within the **[30]** *15* days, he waives
48 his right to a hearing; provided, the director may for good cause shown
49 permit the owner a later opportunity for a hearing.

50 SEC. 10. NRS 485.200 is hereby amended to read as follows:

1 485.200 The requirements as to security and suspension in NRS
2 485.190 to 485.300, inclusive, do not apply:

3 1. To the operator or owner if he had in effect at the time of the
4 accident [an automobile] a liability policy with respect to the motor
5 vehicle involved in the accident;

6 2. To the operator, if not the owner of the motor vehicle, if there
7 was in effect at the time of the accident [an automobile] a liability
8 policy or bond with respect to his operation of motor vehicles not owned
9 by him;

10 3. To the operator or owner if his liability for damages resulting
11 from the accident is, in the judgment of the division, covered by any
12 other form of liability insurance policy or bond;

13 4. To any person qualifying as a self-insurer under NRS 485.380,
14 or to any person operating a motor vehicle for [such] the self-insured;

15 5. To the operator or the owner of a motor vehicle involved in an
16 accident wherein no injury or damage was caused to the person or prop-
17 erty of anyone other than [such] the operator or owner;

18 6. To the operator or the owner of a motor vehicle legally parked
19 at the time of the accident;

20 7. To the owner of a motor vehicle if at the time of the accident the
21 vehicle was being operated without his permission, express or implied,
22 or was parked by a person who had been operating the motor vehicle
23 without [such] permission; or

24 8. If, [prior to] before the date that the division would otherwise
25 suspend the license and registration or nonresident's operating privilege
26 under NRS 485.190, there is filed with the division evidence satisfactory
27 to it that the person who would otherwise have to file security has been
28 released from liability or has received a determination in his favor at a
29 hearing conducted pursuant to NRS 485.191, or has been finally adju-
30 dicated not to be liable or has executed a duly acknowledged written
31 agreement providing for the payment of an agreed amount in install-
32 ments, with respect to all claims for injuries or damages resulting from
33 the accident.

34 SEC. 11. NRS 485.230 is hereby amended to read as follows:

35 485.230 1. The license and registration and nonresident's operating
36 privilege suspended as provided in NRS 485.190 [shall] must remain
37 so suspended and [shall] may not be renewed nor [shall] may any
38 [such] license or registration be issued to any such person until:

39 [1. Such person shall deposit or there shall be] (a) He deposits or
40 there is deposited on his behalf the security required under NRS 485.-
41 190; [or

42 2. One year shall] (b) Two years have elapsed following the date of
43 [such suspension] the accident and evidence satisfactory to the division
44 has been filed with it that during [such] that period no action for
45 damages arising out of the accident has been instituted; or

46 [3.] (c) Evidence satisfactory to the division has been filed with it
47 of a release from liability, or a final adjudication of nonliability, or a
48 duly acknowledged written agreement, in accordance with NRS 485.190.
49 [; but if there shall be]

50 2. Upon any default in the payment of any installment under any

1 duly acknowledged written agreement, [then,] and upon notice of
 2 [such] the default, the division shall [forthwith] suspend the license
 3 and registration or nonresident's operating privilege of [such] the
 4 person defaulting, which [shall] may not be restored [unless and] until:

5 (a) [Such] The person deposits and thereafter maintains security as
 6 required under NRS 485.190 in such amount as the division may then
 7 determine; or

8 (b) One year [shall have] has elapsed following the date [when
 9 such security was required] of default, or 2 years following the date of
 10 the accident, whichever is greater, and during [such] that period no
 11 action upon [such] the agreement has been instituted in a court in this
 12 state. [Proof of ability to respond in damages in the manner described
 13 in NRS 485.307 shall be]

14 3. Proof of financial responsibility, as set forth in NRS 485.307, is
 15 an additional requirement for reinstatement of the operator's license and
 16 motor vehicle registrations under this [paragraph. The duration of such
 17 proof shall be] section. He shall maintain proof of financial responsi-
 18 bility for 3 years from the date of reinstatement of the license [and
 19 shall be] in accordance with the provisions of this chapter [.] and if he
 20 fails to do so the license and registrations must again be suspended.

21 SEC. 12. NRS 485.270 is hereby amended to read as follows:

22 485.270 [Such security shall be] Security deposited in compliance
 23 with the requirements of this chapter is applicable only to the payment
 24 of a judgment or judgments rendered against the person or persons on
 25 whose behalf the deposit was made for damages arising out of the
 26 accident in question in an action at law, begun not later than [1 year
 27 after the date of such] 2 years after the date of the accident or within 1
 28 year after the date of deposit of any security under [subsection 3 of]
 29 NRS 485.230, whichever period is longer, or to the payment in settle-
 30 ment, agreed to by the depositor, of a claim or claims arising out of
 31 [such] the accident.

32 SEC. 13. NRS 485.280 is hereby amended to read as follows:

33 485.280 [Such] A deposit or any balance thereof [shall] must be
 34 returned to the depositor or his personal representative when evidence
 35 satisfactory to the division has been filed with it that there has been a
 36 release from liability, or a final adjudication of nonliability, or a duly
 37 acknowledged agreement, in accordance with subsection 8 of NRS 485.-
 38 200, or [whenever, after the expiration of 1 year from] if 2 years after
 39 the date of the accident or 1 year from the date of deposit of any secu-
 40 rity under [subsection 3 of] NRS 485.230, whichever period is longer,
 41 the division [shall be] is given reasonable evidence that there is no
 42 [such] action pending and no judgment rendered in such an action left
 43 unpaid.

44 SEC. 14. NRS 485.385 is hereby amended to read as follows:

45 485.385 Whenever the division has taken any action or has failed
 46 to take any action under this chapter by reason of having received erro-
 47 neous information or by reason of having received no information, then
 48 upon receiving correct information within [1 year] 2 years after the
 49 date of the accident the division shall take appropriate action to carry
 50 out the purposes and effect of this chapter. The foregoing [shall not,

1 however, be deemed to] does not require the division to reevaluate the
2 amount of any deposit required under this chapter.

3 SEC. 15. NRS 484.229 is hereby amended to read as follows:
4 ~~484.229~~

5 The driver of a vehicle which is in any manner involved
6 in an accident, resulting in bodily injury to or death of any person or total
7 damage to any vehicle or item of property to an apparent extent of
8 [\$250] \$350 or more, shall, within 10 days after [such] the accident,
9 forward a written report of [such] the accident to the department of
10 motor vehicles.

11 2. The department may require any driver of a vehicle involved in
12 an accident of which written report must be made as provided in this section
13 to file supplemental written reports whenever the original report is
14 insufficient in the opinion of the department.

15 3. A written accident report is not required under this chapter from
16 any person who is physically incapable of making a report, during the
17 period of such incapacity.

18 4. Whenever the driver is physically incapable of making a written
19 report of an accident as required in this section and [such driver] he is
20 not the owner of the vehicle, then the owner of the vehicle involved in
21 [such] the accident shall within 10 days after knowledge of the accident
22 make [such] the report not made by the driver.

23 5. All written reports required in this section to be forwarded to the
24 department by drivers or owners of vehicles involved in accidents [shall
25 be] are without prejudice to the [individual] person so reporting and
26 [shall be] are for the confidential use of the department or other state
27 agencies having use of the records for accident prevention purposes,
28 except that the department may disclose the identity of a person involved
29 in an accident when [such] his identity is not otherwise known or when
30 [such person] he denies his presence at [such] the accident.

31 6. No written reports forwarded under the provisions of this section
32 [shall] may be used as evidence in any trial, civil or criminal, arising out
33 of an accident except that the department shall furnish upon demand of
34 any party to such trial, or upon demand of any court, a certificate showing
35 that a specified accident report has or has not been made to the
36 department in compliance with law, and, if such report has been made,
37 the date, time and location of the accident, the names and addresses of
38 the drivers, the owners of the vehicles involved and the investigating
39 officers. The reports may be used as evidence when necessary to prosecute
40 charges filed in connection with a violation of NRS 484.236.

SEC. 16. NRS 485.199 is hereby repealed.