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Proposed by: Whittlesea/Bell, Yellow-Checker, Nellis Cab, LVL, On Demand Sedan

NRS 706.391 Hearing on application; conditions for issuance; power of authority to dispense with hearing.

1. Upon the filing of an application for a certificate of public convenience and necessity to operate as a motor carrier other than an operator of a tow car, the authority shall fix a time and place for hearing thereon.

2. The authority shall issue such a certificate if it finds that:

(a) The applicant is *financially and operationally* fit, willing and able to perform the services of a common motor carrier *and that the operations and the provision of such services will foster sound economic conditions within the industry;*

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

(c) The granting of the certificate will not unreasonably and adversely affect other carriers operating in the territory for which the certificate is sought; [and]

(d) The proposed service will benefit *and protect the safety and convenience* of the traveling and shipping public and the motor carrier business in this state[.];

(e) *The proposed service must be provided on a reasonably continuous basis; and*

(f) *The applicant must identify the market they intend to serve and show that such market will support the proposed operations.*

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

4. An applicant for such a certificate has the burden of proving to the authority that the proposed operation will meet the requirements of subsection 2.

5. The authority may issue a certificate of public convenience and necessity to operate as a common motor carrier, or issue it for:

(a) The exercise of the privilege sought.

(b) The partial exercise of the privilege sought.

6. The authority may attach to the certificate such terms and conditions as, in its judgment, the public interest may require.

7. The authority may dispense with the hearing on the application if, upon the expiration of the time fixed in the notice thereof, no petition to intervene has been filed on behalf of any person who has filed a protest against the granting of the certificate.

(Added to NRS by 1971, 701; A 1981, 1030; 1983, 1224; 1985, 1879; 1997, 1941, 2675; 1999, 492)

ASSEMBLY TRANSPORTATION

DATE: 5/16/03 ROOM: 3143 EXHIBIT E

SUBMITTED BY: Mike Sullivan