
SENATE BILL NO. 192—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE TRANSPORTATION
SERVICES AUTHORITY)

FEBRUARY 21, 2003

Referred to Committee on Transportation

SUMMARY—Makes various changes to provisions governing certain motor carriers and drivers. (BDR 58-537)

FISCAL NOTE: Effect on Local Government: Yes.
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 transportation; revising provisions governing the regulation of certain motor carriers and drivers; imposing an annual fee upon certain motor carriers; requiring drivers of certain motor carriers to obtain a driver's permit from the Transportation Services Authority; imposing a fee for the issuance and renewal of such a permit; requiring the Transportation Services Authority to adopt regulations governing the conduct of certain drivers; increasing the amount of certain application fees and filing fees; revising provisions relating to disciplinary action; prohibiting discriminatory conduct by certain motor carriers and drivers; revising provisions relating to certificates of public convenience and necessity and permits; increasing the annual fee to operate a tow car; revising provisions governing the impoundment of certain vehicles; revising provisions relating to driver's permits issued by the Taxicab Authority; revising provisions administered by the Taxicab Authority; providing penalties; and providing other matters properly relating thereto.

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



* S B 1 9 2 *

1 **Section 1.** Chapter 706 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 13, inclusive, of this
3 act.

4 **Sec. 2. 1.** *“Driver of a fully regulated carrier of*
5 *passengers” means a person who:*

6 *(a) Is employed to drive a vehicle of a fully regulated carrier of*
7 *passengers; or*

8 *(b) Is an independent contractor and is authorized to lease and*
9 *drive a vehicle of a fully regulated carrier of passengers pursuant*
10 *to NRS 706.011 to 706.791, inclusive, and sections 2 to 11,*
11 *inclusive, of this act, and the regulations adopted pursuant*
12 *thereto.*

13 2. *The term includes, without limitation, a person who is the*
14 *lessee of a taxicab pursuant to NRS 706.473.*

15 3. *The term does not include a person who drives a vehicle of*
16 *a carrier whose certificate is limited to providing charter service by*
17 *bus.*

18 **Sec. 3. 1.** *“Fully regulated carrier of passengers” means a*
19 *common motor carrier of passengers or contract motor carrier of*
20 *passengers that is required to obtain from the Authority a*
21 *certificate of public convenience and necessity, except for a carrier*
22 *whose certificate is limited to providing charter service by bus.*

23 2. *The term includes, without limitation, a carrier that*
24 *operates a taxicab or limousine.*

25 **Sec. 4.** *“Limousine” includes, without limitation, a*
26 *traditional limousine and a livery limousine.*

27 **Sec. 5. 1.** *A fully regulated carrier shall pay to the*
28 *Authority a fee of not more than \$350 per year for each vehicle*
29 *that the Authority has authorized the carrier to operate.*

30 2. *The provisions of this section do not apply to:*

31 *(a) A taxicab motor carrier; or*

32 *(b) An operator of a tow car.*

33 **Sec. 6. 1.** *A member or the Deputy of the Authority shall*
34 *issue a driver’s permit to each qualified person who wishes to be a*
35 *driver of a fully regulated carrier of passengers and who complies*
36 *with the requirements for the issuance of a driver’s permit.*

37 2. *Before a member or the Deputy of the Authority may issue*
38 *a driver’s permit to an applicant, the member or Deputy shall:*

39 *(a) Require the applicant to submit a complete set of his*
40 *fingerprints and written permission authorizing the Authority to*
41 *forward the fingerprints to the Central Repository for Nevada*
42 *Records of Criminal History for submission to the Federal Bureau*
43 *of Investigation to ascertain whether the applicant has a criminal*
44 *record and the nature of any such record, and shall further*
45 *investigate the applicant’s background; and*



- 1 ***(b) Require proof that the applicant has a valid and***
- 2 ***appropriate license issued pursuant to NRS 483.340 which***
- 3 ***authorizes the applicant to drive in this state the vehicle that he***
- 4 ***will be driving for the fully regulated carrier of passengers.***
- 5 ***3. A member or the Deputy of the Authority may refuse to***
- 6 ***issue a driver's permit to an applicant if the applicant has been***
- 7 ***convicted of:***
- 8 ***(a) A felony, other than a sexual offense, in this state or any***
- 9 ***other jurisdiction within the 5 years immediately preceding the***
- 10 ***date on which he filed his application;***
- 11 ***(b) A felony involving any sexual offense in this state or any***
- 12 ***other jurisdiction at any time before the date on which he filed his***
- 13 ***application; or***
- 14 ***(c) A violation of NRS 484.379 or 484.3795, or a law in***
- 15 ***another jurisdiction that prohibits the same or similar conduct,***
- 16 ***within the 3 years immediately preceding the date on which he***
- 17 ***filed his application.***
- 18 ***4. A member or the Deputy of the Authority may refuse to***
- 19 ***issue a driver's permit to an applicant who has been convicted of***
- 20 ***an offense involving moral turpitude.***
- 21 ***5. A driver's permit issued pursuant to this section is valid for***
- 22 ***1 year and may be renewed.***
- 23 ***6. A person must pay to the Authority:***
- 24 ***(a) A fee of \$50 for the issuance of an original driver's permit.***
- 25 ***(b) A fee of \$50 for the renewal of a driver's permit.***
- 26 ***Sec. 7. 1. In addition to any other requirements, a person***
- 27 ***who applies for the issuance or renewal of a driver's permit shall***
- 28 ***submit to the Authority:***
- 29 ***(a) In any application for issuance of a driver's permit, the***
- 30 ***social security number of the applicant and the statement***
- 31 ***prescribed by the Welfare Division of the Department of Human***
- 32 ***Resources pursuant to NRS 425.520. The statement must be***
- 33 ***completed and signed by the applicant.***
- 34 ***(b) In any application for renewal of a driver's permit, the***
- 35 ***statement prescribed by the Welfare Division of the Department of***
- 36 ***Human Resources pursuant to NRS 425.520. The statement must***
- 37 ***be completed and signed by the applicant.***
- 38 ***2. The Authority shall include the statement required***
- 39 ***pursuant to subsection 1 in:***
- 40 ***(a) The application or any other forms that must be submitted***
- 41 ***for the issuance or renewal of the driver's permit; or***
- 42 ***(b) A separate form prescribed by the Authority.***
- 43 ***3. The Authority shall not issue or renew a driver's permit if***
- 44 ***the applicant:***



1 (a) Fails to submit the statement required pursuant to
2 subsection 1; or

3 (b) Indicates on the statement submitted pursuant to
4 subsection 1 that he is subject to a court order for the support of a
5 child and is not in compliance with the order or a plan approved
6 by the district attorney or other public agency enforcing the order
7 for the repayment of the amount owed pursuant to the order.

8 4. If an applicant indicates on the statement submitted
9 pursuant to subsection 1 that he is subject to a court order for the
10 support of a child and is not in compliance with the order or a
11 plan approved by the district attorney or other public agency
12 enforcing the order for the repayment of the amount owed
13 pursuant to the order, the Authority shall advise the applicant to
14 contact the district attorney or other public agency enforcing the
15 order to determine the actions that the applicant may take to
16 satisfy the arrearage.

17 **Sec. 8. 1.** If the Authority receives a copy of a court order
18 issued pursuant to NRS 425.540 that provides for the suspension
19 of all professional, occupational and recreational licenses,
20 certificates and permits issued to a person who is the holder of a
21 driver's permit, the Authority shall deem the driver's permit issued
22 to that person to be suspended at the end of the 30th day after the
23 date on which the court order was issued unless the Authority
24 receives a letter issued to the holder of the driver's permit by the
25 district attorney or other public agency pursuant to NRS 425.550
26 stating that the holder of the driver's permit has complied with the
27 subpoena or warrant or has satisfied the arrearage pursuant to
28 NRS 425.560.

29 2. The Authority shall reinstate a driver's permit that has
30 been suspended by a district court pursuant to NRS 425.540 if the
31 Authority receives a letter issued by the district attorney or other
32 public agency pursuant to NRS 425.550 to the person whose
33 driver's permit was suspended stating that the person whose
34 driver's permit was suspended has complied with the subpoena or
35 warrant or has satisfied the arrearage pursuant to NRS 425.560.

36 **Sec. 9. 1.** A fully regulated carrier of passengers shall not
37 accept an application for employment from or enter into a lease
38 with a person who wishes to be a driver of the fully regulated
39 carrier of passengers unless the person submits to the carrier a
40 physician's certificate which complies with the provisions of this
41 section and which is issued by a physician who is licensed to
42 practice medicine in this state.

43 2. A physician shall issue a physician's certificate and two
44 copies thereof to a person who wishes to be a driver of a fully
45 regulated carrier of passengers if the physician finds that the



1 *person meets the applicable health requirements established by the*
2 *Federal Motor Carrier Safety Regulations, 49 C.F.R. §§ 391.41 et*
3 *seq.*

4 *3. A physician's certificate that is issued pursuant to this*
5 *section must:*

6 *(a) State that the physician has examined the person and has*
7 *found that the person meets the applicable health requirements*
8 *established by the Federal Motor Carrier Safety Regulations, 49*
9 *C.F.R. §§ 391.41 et seq.; and*

10 *(b) Be signed and dated by the physician issuing the*
11 *certificate.*

12 *4. A physician's certificate that is issued pursuant to this*
13 *section expires 2 years after the date on which it was issued and*
14 *may be renewed.*

15 **Sec. 10.** *1. A fully regulated carrier of passengers shall not*
16 *employ, enter into a lease with, or require or allow a person to be a*
17 *driver of the fully regulated carrier of passengers and a person*
18 *shall not operate as a driver of a fully regulated carrier of*
19 *passengers unless:*

20 *(a) The person has obtained and has on his person:*

21 *(1) A driver's license issued to the person by this state*
22 *pursuant to NRS 483.010 to 483.630, inclusive;*

23 *(2) A driver's permit issued to the person by a member or*
24 *the Deputy of the Authority pursuant to section 6 of this act; and*

25 *(3) A copy of the physician's certificate issued to the person*
26 *by a physician pursuant to section 9 of this act; and*

27 *(b) If the person intends to operate as a driver of a taxicab*
28 *motor carrier, the person has met any additional qualifications*
29 *that have been established by ordinance pursuant to NRS 268.097.*

30 *2. At the time that a fully regulated carrier of passengers*
31 *employs or enters into a lease with a person to be a driver of the*
32 *fully regulated carrier of passengers, the carrier shall:*

33 *(a) Provide the person with a complete copy of NRS 706.011 to*
34 *706.791, inclusive, and sections 2 to 11, inclusive, of this act, and*
35 *any regulations adopted pursuant thereto; and*

36 *(b) Require the person to sign a statement acknowledging that*
37 *he has received a complete copy of NRS 706.011 to 706.791,*
38 *inclusive, and sections 2 to 11, inclusive, of this act, and any*
39 *regulations adopted pursuant thereto, and has read and*
40 *familiarized himself with the provisions included therein.*

41 **Sec. 11.** *The Authority shall adopt regulations governing the*
42 *conduct of the drivers of a fully regulated carrier of passengers to*
43 *ensure the safety and comfort of the general public.*



1 **Sec. 12. 1.** *In addition to any other requirements, a person*
2 *who applies for the issuance or renewal of a driver's permit shall*
3 *submit to the Administrator:*

4 (a) *In any application for issuance of a driver's permit, the*
5 *social security number of the applicant and the statement*
6 *prescribed by the Welfare Division of the Department of Human*
7 *Resources pursuant to NRS 425.520. The statement must be*
8 *completed and signed by the applicant.*

9 (b) *In any application for renewal of a driver's permit, the*
10 *statement prescribed by the Welfare Division of the Department of*
11 *Human Resources pursuant to NRS 425.520. The statement must*
12 *be completed and signed by the applicant.*

13 2. *The Administrator shall include the statement required*
14 *pursuant to subsection 1 in:*

15 (a) *The application or any other forms that must be submitted*
16 *for the issuance or renewal of the driver's permit; or*

17 (b) *A separate form prescribed by the Administrator.*

18 3. *The Administrator shall not issue or renew a driver's*
19 *permit if the applicant:*

20 (a) *Fails to submit the statement required pursuant to*
21 *subsection 1; or*

22 (b) *Indicates on the statement submitted pursuant to*
23 *subsection 1 that he is subject to a court order for the support of a*
24 *child and is not in compliance with the order or a plan approved*
25 *by the district attorney or other public agency enforcing the order*
26 *for the repayment of the amount owed pursuant to the order.*

27 4. *If an applicant indicates on the statement submitted*
28 *pursuant to subsection 1 that he is subject to a court order for the*
29 *support of a child and is not in compliance with the order or a*
30 *plan approved by the district attorney or other public agency*
31 *enforcing the order for the repayment of the amount owed*
32 *pursuant to the order, the Administrator shall advise the applicant*
33 *to contact the district attorney or other public agency enforcing*
34 *the order to determine the actions that the applicant may take to*
35 *satisfy the arrearage.*

36 **Sec. 13. 1.** *If the Administrator receives a copy of a court*
37 *order issued pursuant to NRS 425.540 that provides for the*
38 *suspension of all professional, occupational and recreational*
39 *licenses, certificates and permits issued to a person who is the*
40 *holder of a driver's permit, the Administrator shall deem the*
41 *driver's permit issued to that person to be suspended at the end of*
42 *the 30th day after the date on which the court order was issued*
43 *unless the Administrator receives a letter issued to the holder of*
44 *the driver's permit by the district attorney or other public agency*
45 *pursuant to NRS 425.550 stating that the holder of the driver's*



1 *permit has complied with the subpoena or warrant or has satisfied*
2 *the arrearage pursuant to NRS 425.560.*

3 2. *The Administrator shall reinstate a driver’s permit that has*
4 *been suspended by a district court pursuant to NRS 425.540 if the*
5 *Administrator receives a letter issued by the district attorney or*
6 *other public agency pursuant to NRS 425.550 to the person whose*
7 *driver’s permit was suspended stating that the person whose*
8 *driver’s permit was suspended has complied with the subpoena or*
9 *warrant or has satisfied the arrearage pursuant to NRS 425.560.*

10 **Sec. 14.** NRS 706.011 is hereby amended to read as follows:

11 706.011 As used in NRS 706.011 to 706.791, inclusive, *and*
12 *sections 2 to 11, inclusive, of this act*, unless the context otherwise
13 requires, the words and terms defined in NRS 706.013 to 706.146,
14 inclusive, *and sections 2, 3 and 4 of this act* have the meanings
15 ascribed to them in those sections.

16 **Sec. 15.** NRS 706.168 is hereby amended to read as follows:

17 706.168 1. The authority of the Transportation Services
18 Authority to supervise and regulate ~~motor~~ carriers , *drivers* and
19 brokers respectively, to the extent provided in this chapter, must be
20 exercised separately. A ~~motor~~ carrier is responsible only for his
21 own acts and ~~those of his employees or agents who are not~~
22 ~~brokers.]~~ *for any acts that the carrier knowingly required or*
23 *allowed a driver, employee, agent or broker to perform.* A broker is
24 responsible only for his own acts and ~~those of his employees or~~
25 ~~agents who are not motor carriers.]~~ *for any acts that the broker*
26 *knowingly required or allowed an employee or agent to perform.*

27 2. *The provisions of this section do not relieve a carrier from*
28 *any obligation under its certificate of public convenience and*
29 *necessity or from its duty to comply with this chapter and the*
30 *regulations adopted pursuant thereto.*

31 **Sec. 16.** NRS 706.197 is hereby amended to read as follows:

32 706.197 1. ~~The~~ *Except as otherwise provided in this*
33 *section, the* Authority may *charge and* collect fees *for any*
34 *application or* for the filing of any official document required by
35 this chapter or by a regulation of the Authority.

36 2. ~~Filing~~ *Application fees and filing* fees may not exceed:

- 37 (a) For ~~applications, \$200.~~
- 38 ~~(b) For petitions] an application to modify a tariff, \$100.~~
- 39 ~~(b) For any other application, \$400.~~
- 40 ~~(c) For the filing of a petition~~ seeking affirmative relief, \$200.
- 41 ~~(c) For each tariff page that requires public notice and is not~~
- 42 ~~attached to an application, \$10. If more than one page is filed at one~~
- 43 ~~time, the total fee may not exceed the cost of notice and publication.~~
- 44 ~~(d) For all other documents that require]~~



1 (d) *For the filing of any other document that requires* public
2 notice, ~~[\$10.]~~ \$75.

3 3. If an application or other document is rejected by the
4 Authority because it is inadequate or inappropriate, the *application*
5 *fee or* filing fee must be returned.

6 4. The Authority may not charge *or collect* any fee for *the*
7 filing *of* a complaint.

8 **Sec. 17.** NRS 706.2885 is hereby amended to read as follows:

9 706.2885 1. A certificate of public convenience and
10 necessity, permit or license issued in accordance with this chapter is
11 not a franchise and may be revoked.

12 2. ~~[The Authority may at any time, for good cause shown,]~~
13 *Except as otherwise provided in this section and NRS 706.398,*
14 *after investigation and hearing and upon 5 days' written notice to*
15 *the* ~~[grantee, suspend any]~~ *holder of a certificate, permit or license*
16 *issued pursuant to NRS 706.011 to 706.791, inclusive, and*
17 *sections 2 to 11, inclusive, of this act, the Authority may:*

18 (a) *Suspend, for good cause shown, the holder's* certificate,
19 permit or license ~~[issued in accordance with the provisions of NRS~~
20 ~~706.011 to 706.791, inclusive,]~~ for a period not to exceed 60 days.

21 ~~[3. Upon receipt of a written complaint or on its own motion,~~
22 ~~the Authority may, after investigation and hearing, revoke any]~~

23 (b) *Revoke the holder's* certificate, permit or license ~~[. If~~
24 ~~service]~~ *if the holder has:*

25 (1) *Violated any provision of NRS 706.011 to 706.791,*
26 *inclusive, and sections 2 to 11, inclusive, of this act or any*
27 *regulation adopted pursuant thereto; or*

28 (2) *Knowingly required or allowed any driver, employee,*
29 *agent or broker of the holder to violate any provision of NRS*
30 *706.011 to 706.791, inclusive, and sections 2 to 11, inclusive, of*
31 *this act or any regulation adopted pursuant thereto.*

32 3. *The Authority may, without a hearing, suspend or revoke*
33 *the holder's certificate, permit or license and impose any other*
34 *penalties authorized by NRS 706.011 to 706.791, inclusive, and*
35 *sections 2 to 11, inclusive, of this act if:*

36 (a) *Service* of the notice required by subsection 2 cannot be
37 made ~~[or if the grantee]~~ ;

38 (b) *The holder waives the right to a hearing; or*

39 (c) *The holder* relinquishes his interest in the certificate, permit
40 or license by so notifying the Authority in writing . ~~[, the Authority~~
41 ~~may revoke the certificate, permit or license without a hearing.~~

42 ~~—4. The proceedings thereafter are governed by]~~

43 4. *If the holder of a certificate, permit or license fails to*
44 *appear at the time and place set forth in the notice for any*
45 *hearing, the Authority shall enter a finding of default. Upon the*



1 *entering of a finding of default, the Authority may suspend or*
2 *revoke the holder's certificate, permit or license and impose any*
3 *other penalties authorized by NRS 706.011 to 706.791, inclusive,*
4 *and sections 2 to 11, inclusive, of this act. For good cause shown,*
5 *the Authority may set aside a finding of default entered pursuant*
6 *to this subsection and proceed with a hearing on the matter.*

7 *5. If the Authority suspends or revokes a certificate, permit or*
8 *license or imposes any other penalties authorized by NRS 706.011*
9 *to 706.791, inclusive, and sections 2 to 11, inclusive, of this act,*
10 *the person aggrieved by the decision of the Authority may seek*
11 *judicial review pursuant to the provisions of chapter 233B of NRS.*

12 **Sec. 18.** NRS 706.361 is hereby amended to read as follows:

13 706.361 1. A person with a disability is entitled to the full
14 and equal enjoyment of the facilities of any common motor carrier
15 of passengers, contract motor carrier of passengers or other entity
16 providing a means of public conveyance and transportation
17 operating within this state.

18 2. A common motor carrier of passengers, a contract motor
19 carrier of passengers and *any* other ~~entities~~ *entity* providing *a*
20 means of public conveyance and transportation *operating within*
21 *this state* shall designate a person responsible for ensuring that the
22 carrier *or entity* complies with the applicable provisions of the
23 Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 to
24 12213, inclusive, and 47 U.S.C. §§ 225 and 611, and the regulations
25 adopted pursuant to that act.

26 3. The person designated pursuant to subsection 2 shall
27 conduct training sessions for the employees of the carrier or entity
28 ~~[-] and for the independent contractors who are drivers of the~~
29 ~~carrier or entity.~~ Each *such* employee *and independent contractor*
30 must be provided at least 3 hours of training during one or more
31 training sessions. *The training must be completed not later than 3*
32 *months after the employee begins his employment with the carrier*
33 *or entity or the independent contractor begins driving for the*
34 *carrier or entity.* During the training sessions, the designee shall:

35 (a) Describe the ~~carrier's~~ plan *of the carrier or entity* for
36 compliance with the Americans with Disabilities Act of 1990 and
37 the regulations adopted pursuant to that act;

38 (b) Explain the obligations of the employees *and independent*
39 *contractors* to assist a person with a disability to store a mobility
40 device;

41 (c) Explain the illegality of charging an additional fee or a
42 higher fare to a person with a disability; and

43 (d) Ensure that each employee *and independent contractor* is
44 trained in accordance with the requirements of 49 C.F.R. § 37.173.



1 4. It is unlawful for any person to deny any of the privileges
2 granted by subsection 1.

3 5. It is unlawful for any common motor carrier ~~f~~ *of*
4 *passengers*, contract motor carrier *of passengers* or other entity
5 providing a means of public conveyance or transportation operating
6 within this state, to:

7 (a) Deny the equal enjoyment of its services and facilities to a
8 person with a disability by the arbitrary, capricious or unreasonable
9 interference, direct or indirect, with the use of aids and appliances
10 used by a person with a disability;

11 (b) Fail to designate a person pursuant to subsection 2; or

12 (c) Fail to conduct the training sessions in the manner described
13 in subsection 3.

14 6. *It is unlawful for a driver of any common motor carrier of*
15 *passengers, contract motor carrier of passengers or other entity*
16 *providing a means of public conveyance or transportation*
17 *operating within this state, to:*

18 (a) *Deny the equal enjoyment of the services and facilities of*
19 *the driver, carrier or entity to a person with a disability by the*
20 *arbitrary, capricious or unreasonable interference, direct or*
21 *indirect, with the use of aids and appliances used by a person with*
22 *a disability; or*

23 (b) *Fail to complete the training sessions in the manner*
24 *described in subsection 3.*

25 7. As used in this section, "disability" has the meaning ascribed
26 to it in 49 C.F.R. § 37.3.

27 **Sec. 19.** NRS 706.366 is hereby amended to read as follows:

28 706.366 1. It is unlawful for ~~f~~ *any* common motor carrier of
29 passengers, *contract motor carrier of passengers* or other *entity*
30 *providing a* means of public conveyance or transportation operating
31 ~~f~~ *within this state, or for a driver of such a carrier or entity, to:*

32 (a) Refuse service to a visually, aurally or physically
33 handicapped person because he is accompanied by a guide dog,
34 hearing dog, helping dog or other service animal;

35 (b) Refuse service to a person who is training a guide dog,
36 hearing dog, helping dog or other service animal because he is
37 accompanied by such an animal; or

38 (c) Charge an additional fee for such an animal.

39 2. This section does not relieve a visually, aurally or physically
40 handicapped person or a person who trains a guide dog, hearing dog,
41 helping dog or other service animal from liability for damage which
42 may be caused by his animal.

43 3. Visually, aurally or physically handicapped persons
44 accompanied by guide dogs, hearing dogs, helping dogs or other



1 service animals are subject to the same conditions and limitations
2 that apply to persons who are not so handicapped and accompanied.

3 4. ~~For the purposes of~~ *As used in* this section, the terms
4 “guide dog,” “hearing dog,” “helping dog” and “service animal”
5 have the meanings ascribed to them respectively in NRS 426.075,
6 426.081, 426.083 and 426.097.

7 **Sec. 20.** NRS 706.386 is hereby amended to read as follows:
8 706.386 ~~It is unlawful, except~~ *Except* as otherwise provided
9 in NRS 373.117, 706.446, 706.453 and 706.745, *it is unlawful* for
10 any *person to operate as a* fully regulated common motor carrier ~~to~~
11 ~~operate as a carrier of~~ *within this state in* intrastate commerce ~~and~~
12 *or for* any operator of a tow car to perform towing services within
13 this state without first obtaining a certificate of public convenience
14 and necessity from the Authority.

15 **Sec. 21.** NRS 706.391 is hereby amended to read as follows:
16 706.391 1. Upon the filing of an application for a certificate
17 of public convenience and necessity to operate as a *common* motor
18 carrier , other than an operator of a tow car, *or an application for*
19 *modification of such a certificate*, the Authority shall fix a time and
20 place for *a* hearing ~~thereon~~ *on the application*.

21 2. The Authority shall ~~issue such a~~ *grant the* certificate *or*
22 *modification* if it finds that:

23 (a) The applicant is fit, willing and able to perform the services
24 of a common motor carrier ~~and~~ *and has paid all fees and costs*
25 *related to the application*;

26 (b) The proposed operation *or the proposed modification* will
27 be consistent with the legislative policies set forth in NRS 706.151;

28 (c) The granting of the certificate *or modification* will not
29 unreasonably and adversely affect other carriers operating in the
30 territory for which the certificate *or modification* is sought; and

31 (d) The proposed ~~service~~ *operation or the proposed*
32 *modification* will benefit the traveling and shipping public and the
33 motor carrier business in this state.

34 3. The Authority shall not find that the potential creation of
35 competition in a territory which may be caused by the granting of ~~a~~
36 ~~certificate~~ *the certificate or modification*, by itself, will
37 unreasonably and adversely affect other carriers operating in the
38 territory for the purposes of paragraph (c) of subsection 2.

39 4. ~~An~~ *The* applicant for ~~such a certificate has~~ *the certificate*
40 *or modification*:

41 (a) *Has* the burden of proving to the Authority that the proposed
42 operation *or the proposed modification* will meet the requirements
43 of subsection 2 ~~and~~ *;* *and*

44 (b) *Must pay the amounts billed to the applicant by the*
45 *Authority for the costs incurred by the Authority in conducting*



1 *any investigation or hearing regarding the applicant and the*
2 *application.*

3 5. The Authority may issue *or modify* a certificate of public
4 convenience and necessity to operate as a common motor carrier, or
5 issue *or modify* it for:

6 (a) The exercise of the privilege sought.

7 (b) The partial exercise of the privilege sought.

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

10 7. The Authority may dispense with the hearing on the
11 application if, upon the expiration of the time fixed in the notice
12 thereof, no petition to intervene has been filed on behalf of any
13 person who has filed a protest against the granting of the certificate
14 ~~or~~ *modification.*

15 **Sec. 22.** NRS 706.398 is hereby amended to read as follows:
16 706.398 ~~The~~ *In accordance with the procedural*
17 *requirements set forth in NRS 706.2885, the* Authority:

18 1. Shall revoke or suspend ~~[, pursuant to the provisions of this~~
19 ~~chapter,]~~ the certificate of public convenience and necessity of a
20 common motor carrier which has failed to:

21 (a) File the annual report required by NRS 706.167 within 60
22 days after the report is due; or

23 (b) Operate as a carrier of intrastate commerce in this state under
24 the terms and conditions of its certificate,

25 unless the carrier has obtained the prior permission of the Authority.
26 2. May revoke or suspend ~~[, pursuant to the provisions of NRS~~
27 ~~706.2885,]~~ the certificate of public convenience and necessity of a
28 common motor carrier which has ~~failed to comply with~~ :

29 (a) *Violated* any provision of ~~[this chapter]~~ *NRS 706.011 to*
30 *706.791, inclusive, and sections 2 to 11, inclusive, of this act* or
31 any regulation ~~[of the Authority]~~ adopted pursuant thereto ~~or~~ ;

32 (b) *Knowingly required or allowed any driver, employee, agent*
33 *or broker of the carrier to violate any provision of NRS 706.011 to*
34 *706.791, inclusive, and sections 2 to 11, inclusive, of this act or*
35 *any regulation adopted pursuant thereto.*

36 **Sec. 23.** NRS 706.411 is hereby amended to read as follows:
37 706.411 Every order ~~[refusing or]~~ *of the Authority* granting *or*
38 *refusing to grant* any ~~[certificates]~~ *certificate* of public convenience
39 and necessity ~~or~~ granting or refusing ~~[permission to discontinue,~~
40 ~~modify or restrict service]~~ *to grant any modification of a certificate*
41 *of public convenience and necessity* is prima facie lawful from the
42 date of the order until changed or modified by the order of the
43 Authority pursuant to the provisions of this chapter.



1 **Sec. 24.** NRS 706.421 is hereby amended to read as follows:
2 706.421 It is unlawful for any *person to operate as a* contract
3 motor carrier ~~[to act as such]~~ within this state in intrastate commerce
4 without first ~~[having obtained]~~ *obtaining* a permit ~~[therefor.]~~ *for the*
5 *operation.*

6 **Sec. 25.** NRS 706.436 is hereby amended to read as follows:
7 706.436 Any person who has been denied a permit to ~~[act]~~
8 *operate* as a contract motor carrier after hearing may not file a
9 similar application with the Authority covering the same type of
10 service and over the same route or routes or in the same territory for
11 which the permit was denied except after the expiration of 180 days
12 after the date the permit was denied.

13 **Sec. 26.** NRS 706.4463 is hereby amended to read as follows:
14 706.4463 1. In addition to the other requirements of this
15 chapter, each operator of a tow car shall, to protect the health, safety
16 and welfare of the public:

17 (a) Obtain a certificate of public convenience and necessity from
18 the Authority before he provides any services other than those
19 services which he provides as a private motor carrier of property
20 pursuant to the provisions of this chapter;

21 (b) Use a tow car of sufficient size and weight which is
22 appropriately equipped to transport safely the vehicle which is being
23 towed; and

24 (c) Comply with the provisions of NRS 706.011 to 706.791,
25 inclusive ~~[,]~~ *and sections 2 to 11, inclusive, of this act.*

26 2. A person who wishes to obtain a certificate of public
27 convenience and necessity to operate a tow car *or to modify such a*
28 *certificate* must file an application with the Authority.

29 3. The Authority shall ~~[issue a certificate of public convenience~~
30 ~~and necessity to an operator of a tow car]~~ *grant the certificate or*
31 *modification* if it determines that the applicant:

32 (a) Complies with the requirements of paragraphs (b) and (c) of
33 subsection 1;

34 (b) Complies with the requirements of the regulations adopted
35 by the Authority pursuant to the provisions of this chapter;

36 (c) Has provided evidence that he has filed with the Authority a
37 liability insurance policy, a certificate of insurance or a bond of a
38 surety and bonding company or other surety required for every
39 operator of a tow car pursuant to the provisions of NRS 706.291;
40 ~~[and]~~

41 (d) Has provided evidence that he has filed with the Authority
42 schedules and tariffs pursuant to subsection 2 of NRS 706.321 ~~[~~
43 ~~—4. An]; and~~

44 (e) *Has paid all fees and costs related to the application.*



1 **4. The** applicant for ~~[a certificate has]~~ *the certificate or*
2 *modification:*

3 (a) *Has* the burden of proving to the Authority that the proposed
4 operation *or the proposed modification* will meet the requirements
5 of subsection 3 ~~[]~~; and

6 (b) *Must pay the amounts billed to the applicant by the*
7 *Authority for the costs incurred by the Authority in conducting*
8 *any investigation or hearing regarding the applicant and the*
9 *application.*

10 5. The Authority may hold a hearing to determine whether ~~[an]~~
11 *the* applicant is entitled to ~~[a]~~ *the certificate or modification* only if:

12 (a) Upon the expiration of the time fixed in the notice ~~[that an~~
13 ~~application for a certificate of public convenience and necessity is~~
14 ~~pending.] of the application,~~ a petition to intervene has been granted
15 by the Authority; or

16 (b) The Authority finds that after reviewing the information
17 provided by the applicant and inspecting the operations of the
18 applicant, it cannot make a determination as to whether the applicant
19 has complied with the requirements of subsection 3.

20 **Sec. 27.** NRS 706.451 is hereby amended to read as follows:

21 706.451 1. Each owner or operator of a tow car subject to the
22 jurisdiction of the Authority shall, before commencing to operate or
23 continuing operation after July 1, 1971, and annually thereafter, pay
24 to the Authority , for each tow car operated, a fee of not more than
25 ~~[\$36.] \$75.~~

26 2. The fee provided in this section must be paid on or before
27 January 1 of each year.

28 3. The initial fee must be reduced one-twelfth for each month
29 which has elapsed since the beginning of the calendar year before
30 July 1, 1971, for those tow cars lawfully operating on that date or
31 before the commencement of operation of each tow car commencing
32 operation after July 1, 1971.

33 4. Any person who fails to pay any fee on or before the date
34 provided in this section shall pay a penalty of 10 percent of the
35 amount of the fee plus interest on the amount of the fee at the rate of
36 1 percent per month or fraction of a month from the date the fee is
37 due until the date of payment.

38 **Sec. 28.** NRS 706.476 is hereby amended to read as follows:

39 706.476 Except as otherwise provided in NRS 706.478:

40 1. A vehicle used ~~[as a taxicab, limousine or other passenger~~
41 ~~vehicle in passenger service]~~ *by any person or entity in this state to*
42 *provide any kind of transportation of passengers or property that*
43 *is subject to the jurisdiction of the Authority* must be impounded
44 by the Authority if a *valid and appropriate* certificate ~~[of public~~
45 ~~convenience and necessity]~~ , *permit or license* has not been issued



1 authorizing ~~[its operation.]~~ *the operation of the vehicle*. A hearing
2 must be held by the Authority ~~[no]~~ *not* later than the conclusion of
3 the second normal business day after impoundment, weekends and
4 holidays excluded. As soon as practicable after impoundment, the
5 Authority shall notify the registered owner of the vehicle ~~;~~

6 ~~—(a) That the registered owner of the vehicle must post a bond in~~
7 ~~the amount of \$20,000 to ensure his presence at all proceedings held~~
8 ~~pursuant to this section;~~

9 ~~—(b) Of the] of:~~

10 (a) *The* time set for the hearing; and

11 ~~[(c) Of his]~~

12 (b) *His* right to be represented by counsel during all phases of
13 the proceedings.

14 2. The Authority shall hold the vehicle until the registered
15 owner of the vehicle appears and ~~;~~

16 ~~—(a) Proves that he] proves that:~~

17 (a) *He* is the registered owner of the vehicle;

18 (b) ~~[(Proves that he)]~~ *He* holds a valid *and appropriate* certificate
19 ~~[of public convenience and necessity;~~

20 ~~—(c) Proves that the] , permit or license authorizing the~~
21 ~~operation of the vehicle; and~~

22 (c) *The* vehicle meets all required standards of the Authority . ~~;~~
23 ~~and~~

24 ~~—(d) Posts a bond in the amount of \$20,000 with the~~
25 ~~Authority.]~~

26 The Authority shall return the vehicle to its registered owner when
27 the owner meets the requirements of this subsection and pays all
28 costs of impoundment.

29 3. If the registered owner is unable to meet the requirements of
30 paragraph (b) or (c) of subsection 2, the Authority may assess an
31 administrative fine against the registered owner for each such
32 violation in the amount of \$5,000. The maximum amount of the
33 administrative fine that may be assessed against a registered owner
34 for a single impoundment of his vehicle pursuant to this section is
35 \$10,000. The Authority shall return the vehicle after any
36 administrative fine imposed pursuant to this subsection and all costs
37 of impoundment have been paid.

38 **Sec. 29.** NRS 706.6411 is hereby amended to read as follows:

39 706.6411 1. All motor carriers, other than operators of tow
40 cars, regulated pursuant to NRS 706.011 to 706.791, inclusive, *and*
41 *sections 2 to 11, inclusive, of this act* to whom the certificates,
42 permits and licenses provided by NRS 706.011 to 706.791,
43 inclusive, *and sections 2 to 11, inclusive, of this act* have been
44 issued may transfer them to another carrier, other than an operator
45 of a tow car, qualified pursuant to NRS 706.011 to 706.791,



1 inclusive, *and sections 2 to 11, inclusive, of this act* but no such
2 transfer is valid for any purpose until a joint application to make the
3 transfer has been made to the Authority by the transferor and
4 the transferee, and the Authority has authorized the substitution of
5 the transferee for the transferor. No transfer of stock of a corporate
6 motor carrier subject to the jurisdiction of the Authority is valid
7 without the prior approval of the Authority if the effect of the
8 transfer would be to change the corporate control of the carrier or if
9 a transfer of 15 percent or more of the common stock of the carrier
10 is proposed.

11 2. Except as otherwise provided in subsection 3, the Authority
12 shall fix a time and place for a hearing to be held unless the
13 application is made to transfer the certificate from a natural person
14 or partners to a corporation whose controlling stockholders will be
15 substantially the same person or partners, and may hold a hearing to
16 consider such an application.

17 3. The Authority may also dispense with the hearing on the
18 joint application to transfer if, upon the expiration of the time fixed
19 in the notice thereof, no protest against the transfer of the certificate
20 or permit has been filed by or in behalf of any interested person.

21 4. In determining whether or not the transfer of a certificate of
22 public convenience and necessity or a permit to ~~act~~ *operate* as a
23 contract motor carrier should be authorized, the Authority shall
24 consider:

25 (a) The service which has been performed by the transferor and
26 that which may be performed by the transferee.

27 (b) Other authorized facilities for transportation in the territory
28 for which the transfer is sought.

29 (c) Whether or not the transferee is fit, willing and able to
30 perform the services of a common or contract motor carrier by
31 vehicle and whether or not the proposed operation would be
32 consistent with the legislative policy set forth in NRS 706.151.

33 5. Upon a transfer made pursuant to this section, the Authority
34 may make such amendments, restrictions or modifications in a
35 certificate or permit as the public interest may require.

36 6. No transfer is valid beyond the life of the certificate, permit
37 or license transferred.

38 **Sec. 30.** NRS 706.756 is hereby amended to read as follows:

39 706.756 1. Except as otherwise provided in ~~subsection 2,~~
40 *this section*, any person who:

41 (a) Operates a vehicle or causes it to be operated in any carriage
42 to which the provisions of NRS 706.011 to 706.861, inclusive, *and*
43 *sections 2 to 11, inclusive, of this act* apply without first obtaining
44 ~~an~~ *any* certificate, permit or license ~~is~~ *required for the operation,*



- 1 or in violation of the terms ~~thereof;~~ *of any certificate, permit or*
2 *license required for the operation;*
- 3 (b) Fails to make any return or report required by the provisions
4 of NRS 706.011 to 706.861, inclusive, *and sections 2 to 11,*
5 *inclusive, of this act,* or by the Authority or the Department
6 pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~;~~,
7 *and sections 2 to 11, inclusive, of this act;*
- 8 (c) Violates ~~;~~ or procures, aids or abets the ~~violating-of;~~
9 *violation of* any provision of NRS 706.011 to 706.861, inclusive ~~;~~
10 *, and sections 2 to 11, inclusive, of this act or any regulation*
11 *adopted pursuant thereto or knowingly requires or allows any*
12 *driver, employee, agent or broker to violate or procure, aid or abet*
13 *the violation of any provision of NRS 706.011 to 706.861,*
14 *inclusive, and sections 2 to 11, inclusive, of this act or any*
15 *regulation adopted pursuant thereto;*
- 16 (d) Fails to obey any order, decision or regulation of the
17 Authority or the Department;
- 18 (e) Procures, aids or abets any person in his failure to obey such
19 an order, decision or regulation of the Authority or the Department;
- 20 (f) Advertises, solicits, proffers bids or otherwise holds himself
21 out to perform transportation as a common or contract *motor* carrier
22 in violation of any of the provisions of NRS 706.011 to 706.861,
23 inclusive ~~;~~, *and sections 2 to 11, inclusive, of this act;*
- 24 (g) Advertises as providing:
25 (1) The services of a fully regulated carrier; or
26 (2) Towing services,
27 without including the number of his certificate of public
28 convenience and necessity or contract carrier's permit in each
29 advertisement;
- 30 (h) Knowingly offers, gives, solicits or accepts any rebate,
31 concession or discrimination in violation of the provisions of this
32 chapter;
- 33 (i) Knowingly, willfully and fraudulently seeks to evade or
34 defeat the purposes of this chapter;
- 35 (j) Operates or causes to be operated a vehicle which does not
36 have the proper identifying device;
- 37 (k) Displays or causes or permits to be displayed a certificate,
38 permit, license or identifying device, knowing it to be fictitious or to
39 have been canceled, revoked, suspended or altered;
- 40 (l) Lends or knowingly permits the use of by one not entitled
41 thereto any certificate, permit, license or identifying device issued to
42 the person so lending or permitting the use thereof; ~~or;~~
- 43 (m) Refuses or fails to surrender to the Authority or *the*
44 Department any certificate, permit, license or identifying device



1 which has been suspended, canceled or revoked pursuant to the
2 provisions of this chapter ~~[]~~; or

3 *(n) Knowingly makes or causes to be made, directly or*
4 *indirectly, a false statement on any application, account or other*
5 *statement required by or filed with the Authority,*

6 is guilty of a misdemeanor ~~[, and upon conviction thereof]~~ and shall
7 be punished by a fine of not less than \$100 nor more than \$1,000. ~~[,]~~
8 ~~[or]~~ *In addition to the fine, the person may be punished* by
9 imprisonment in the county jail for not more than 6 months. ~~[, or by~~
10 ~~both fine and imprisonment.~~

11 ~~—2.— A person convicted of a misdemeanor for a]~~

12 *2. Except as otherwise provided in subsection 3, any person*
13 *who, in violation of the provisions of NRS 706.386, operates as a*
14 *fully regulated common motor carrier or as an operator of a tow*
15 *car without first obtaining a certificate of public convenience and*
16 *necessity or any person who, in violation of the provisions of NRS*
17 *706.421, operates as a contract motor carrier without first*
18 *obtaining a permit is guilty of a misdemeanor and shall be*
19 *punished:*

20 (a) For ~~[the]~~ a first offense ~~[]~~ *within a period of 12 consecutive*
21 *months, by a fine of not less than \$500 nor more than \$1,000. [] In*
22 *addition to the fine, the person may be punished by imprisonment*
23 *in the county jail for not more than 6 months.*

24 (b) For a second offense within *a period of* 12 consecutive
25 months and *for* each subsequent offense ~~[]~~ *that is committed within*
26 *a period of 12 consecutive months of any prior offense under this*
27 *subsection, by a fine of \$1,000. [;or]*

28 ~~—(c) For any offense.] In addition to the fine, the person may be~~
29 ~~punished~~ by imprisonment in the county jail for not more than 6
30 months. ~~[, or by both the prescribed fine and imprisonment.]~~

31 3. Any person who, *in violation of the provisions of NRS*
32 *706.386, operates or permits the operation of a vehicle in passenger*
33 *service without first obtaining* a certificate of public convenience
34 and necessity ~~[issued pursuant to NRS 706.391]~~ is guilty of a gross
35 misdemeanor.

36 4. If a law enforcement officer witnesses a violation of ~~[this~~
37 ~~subsection, he]~~ *any provision of subsection 2 or 3, the law*
38 *enforcement officer* may cause the vehicle to be towed immediately
39 from the scene ~~[]~~

40 ~~—4.] and impounded in accordance with NRS 706.476.~~

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

43 ~~[5.]~~ 6. Any bail allowed must not be less than the appropriate
44 fine provided for by this section.



1 7. *The conviction of a person pursuant to this chapter does*
2 *not prohibit the Authority or another agency or officer from*
3 *seeking a civil remedy or penalty, imposing an administrative fine,*
4 *or suspending or revoking any certificate, permit or license of the*
5 *person convicted. The imposition of a civil remedy or penalty or an*
6 *administrative fine or the suspension or revocation of a certificate,*
7 *permit or license by the Authority or another agency or officer*
8 *does not operate as a defense in any criminal proceeding brought*
9 *pursuant to this chapter.*

10 **Sec. 31.** NRS 706.881 is hereby amended to read as
11 follows:

12 706.881 1. The provisions of NRS ~~706.8811~~ *706.881* to
13 706.885, inclusive, *and sections 12 and 13 of this act* apply to any
14 county:

15 (a) Whose population is 400,000 or more; or
16 (b) For whom regulation by the Taxicab Authority is not
17 required, if the board of county commissioners of the county has
18 enacted an ordinance approving the inclusion of the county within
19 the jurisdiction of the Taxicab Authority.

20 2. Upon receipt of a certified copy of such an ordinance from a
21 county for whom regulation by the Taxicab Authority is not
22 required, the Taxicab Authority shall exercise its regulatory
23 authority pursuant to NRS ~~706.8811~~ *706.881* to 706.885,
24 inclusive, *and sections 12 and 13 of this act* within that county.

25 3. Within any such county, the provisions of this chapter which
26 confer regulatory authority over taxicab motor carriers upon the
27 Transportation Services Authority do not apply.

28 **Sec. 32.** NRS 706.8811 is hereby amended to read as follows:
29 706.8811 As used in NRS 706.881 to 706.885, inclusive, *and*
30 *sections 12 and 13 of this act*, unless the context otherwise requires,
31 the words and terms defined in NRS 706.8812 to 706.8817,
32 inclusive, have the meanings ascribed to them in those sections.

33 **Sec. 33.** NRS 706.88395 is hereby amended to read as
34 follows:

35 706.88395 1. A vehicle used ~~as a taxicab, limousine or other~~
36 ~~passenger vehicle in passenger service~~ *by any person or entity in*
37 *this state to provide any kind of transportation of passengers or*
38 *property that is subject to the jurisdiction of the Taxicab Authority*
39 *must be impounded by the Administrator if a certificate of public*
40 *convenience and necessity has not been issued authorizing ~~its~~*
41 *operation.] the operation of the vehicle. A hearing must be held by*
42 *the Administrator ~~no~~ not later than the conclusion of the second*
43 *normal business day after impoundment, weekends and holidays*
44 *excluded. As soon as practicable after impoundment, the*
45 *Administrator shall notify the registered owner of the vehicle:*



1 (a) That the registered owner of the vehicle must post a bond in
2 the amount of \$20,000 to ensure his presence at all proceedings held
3 pursuant to this section;

4 (b) Of the time set for the hearing; and

5 (c) Of his right to be represented by counsel during all phases of
6 the proceedings.

7 2. The Administrator shall hold the vehicle until the registered
8 owner of the vehicle appears and:

9 (a) Proves that he is the registered owner of the vehicle;

10 (b) Proves that he holds a valid certificate of public convenience
11 and necessity;

12 (c) Proves that the vehicle meets all required standards of the
13 Authority; and

14 (d) Posts a bond in the amount of \$20,000 with the
15 Administrator.

16 The Administrator shall return the vehicle to its registered owner
17 when the owner meets the requirements of this subsection and pays
18 all costs of impoundment.

19 3. If the registered owner is unable to meet the requirements of
20 paragraph (b) or (c) of subsection 2, the Administrator may assess
21 an administrative fine against the registered owner for each such
22 violation in the amount of \$5,000. The maximum amount of the
23 administrative fine that may be assessed against a registered owner
24 for a single impoundment of his vehicle pursuant to this section is
25 \$10,000. The Administrator shall return the vehicle after any
26 administrative fine imposed pursuant to this subsection and all costs
27 of impoundment have been paid.

28 **Sec. 34.** NRS 706.8841 is hereby amended to read as follows:

29 706.8841 1. The Administrator shall issue a driver's permit
30 to qualified persons who wish to be employed by certificate holders
31 as taxicab drivers ~~[]~~ *and who comply with the requirements for the*
32 *issuance of a driver's permit.*

33 2. Before issuing a driver's permit, the Administrator shall:

34 (a) Require the applicant to submit a *complete* set of his
35 fingerprints ~~[, which must be forwarded]~~ *and written permission*
36 *authorizing the Administrator to forward the fingerprints to the*
37 *Central Repository for Nevada Records of Criminal History for*
38 *submission* to the Federal Bureau of Investigation to ascertain
39 whether the applicant has a criminal record and the nature of any
40 such record, and shall further investigate the applicant's
41 background; and

42 (b) Require proof that the applicant:

43 (1) Has been a resident of the State for 30 days before his
44 application for a permit;



1 (2) Can read and orally communicate in the English
2 language; and

3 (3) Has a valid license issued under NRS 483.325 which
4 authorizes him to drive a taxicab in this state.

5 ~~[2.]~~ 3. The Administrator may refuse to issue a driver's permit
6 if the applicant has been convicted of:

7 (a) A felony, other than a felony involving any sexual offense,
8 in this state or any other jurisdiction within 5 years before the date
9 of the application;

10 (b) A felony involving any sexual offense in this state or any
11 other jurisdiction at any time before the date of the application; or

12 (c) A violation of NRS 484.379 or 484.3795 , or a law of any
13 other jurisdiction that prohibits the same or similar conduct , within
14 3 years before the date of the application.

15 ~~[3.]~~ 4. The Administrator may refuse to issue a driver's permit
16 if the Administrator, after the background investigation of the
17 applicant, determines that the applicant is morally unfit or if the
18 issuance of the driver's permit would be detrimental to public
19 health, welfare or safety.

20 ~~[4.]~~ 5. A taxicab driver shall pay to the Administrator, in
21 advance, \$20 for an original driver's permit and \$5 for a renewal.

22 **Sec. 35.** NRS 706.885 is hereby amended to read as follows:

23 706.885 1. Any person who knowingly makes or causes to be
24 made, either directly or indirectly, a false statement on an
25 application, account or other statement required by the Taxicab
26 Authority or the Administrator or who violates any of the provisions
27 of NRS 706.881 to 706.885, inclusive, *and sections 12 and 13 of*
28 *this act* is guilty of a misdemeanor.

29 2. The Taxicab Authority or Administrator may at any time, for
30 good cause shown and upon at least 5 days' notice to the grantee of
31 any certificate or driver's permit, and after a hearing unless waived
32 by the grantee, penalize the grantee of a certificate to a maximum
33 amount of \$15,000 or penalize the grantee of a driver's permit to a
34 maximum amount of \$500 , or suspend or revoke the certificate or
35 driver's permit granted by it or him, respectively, for:

36 (a) Any violation of any provision of NRS 706.881 to 706.885,
37 inclusive, *and sections 12 and 13 of this act* or any regulation of the
38 Taxicab Authority or Administrator.

39 (b) Knowingly permitting or requiring any employee to violate
40 any provision of NRS 706.881 to 706.885, inclusive, *and sections*
41 *12 and 13 of this act* or any regulation of the Taxicab Authority or
42 Administrator.

43 If a penalty is imposed on the grantee of a certificate pursuant to this
44 section, the Taxicab Authority or Administrator may require the



1 grantee to pay the costs of the proceeding, including investigative
2 costs and attorney's fees.

3 3. When a driver or certificate holder fails to appear at the time
4 and place stated in the notice for the hearing, the Administrator shall
5 enter a finding of default. Upon a finding of default, the
6 Administrator may suspend or revoke the license, permit or
7 certificate of the person who failed to appear and impose the
8 penalties provided in this chapter. For good cause shown, the
9 Administrator may set aside a finding of default and proceed with
10 the hearing.

11 4. Any person who operates or permits a taxicab to be operated
12 in passenger service without a certificate of public convenience and
13 necessity issued pursuant to NRS 706.8827 ~~{}~~ is guilty of a gross
14 misdemeanor. If a law enforcement officer witnesses a violation of
15 this subsection, ~~the~~ *the law enforcement officer* may cause the
16 vehicle to be towed immediately from the scene ~~{}~~ *and impounded*
17 *in accordance with NRS 706.88395.*

18 5. The conviction of a person pursuant to ~~{subsection 1}~~ *this*
19 *chapter* does not bar the Taxicab Authority ~~{or}~~, *the* Administrator,
20 *or another agency or officer* from *seeking a civil remedy or*
21 *penalty, imposing an administrative fine, or* suspending or
22 revoking any certificate, permit or license of the person convicted.
23 The imposition of a *civil remedy or penalty or an administrative*
24 *fine or the* suspension or revocation of any certificate, permit or
25 license by the Taxicab Authority ~~{or}~~, *the* Administrator, *or*
26 *another agency or officer* does not operate as a defense in any
27 *criminal* proceeding brought ~~{under subsection 1}~~ *pursuant to this*
28 *chapter.*

29 **Sec. 36.** NRS 268.097 is hereby amended to read as follows:

30 268.097 1. Except as otherwise provided in ~~{subsections 2~~
31 ~~and 3}~~ *this section*, notwithstanding the provisions of any local,
32 special or general law, after July 1, 1963, the governing body of any
33 incorporated city in this state, whether incorporated by general or
34 special act ~~{}~~ or otherwise, may not supervise or regulate any
35 taxicab motor carrier as defined in NRS 706.126 which is under the
36 supervision and regulation of the Transportation Services Authority
37 pursuant to law.

38 2. The governing body of any incorporated city in this state,
39 whether incorporated by general or special act ~~{}~~ or otherwise, may
40 fix, impose and collect a license tax on and from a taxicab motor
41 carrier for revenue purposes only.

42 3. The governing body of any incorporated city in any county
43 in which the provisions of NRS ~~{706.8811}~~ *706.881* to 706.885,
44 inclusive, *and sections 12 and 13 of this act* do not apply, whether
45 incorporated by general or special act ~~{}~~ or otherwise, may regulate



1 by ordinance the qualifications required of employees or lessees of a
2 taxicab motor carrier in a manner consistent with *the provisions of*
3 *NRS 706.011 to 706.791, inclusive, and sections 2 to 11, inclusive,*
4 *of this act and* the regulations adopted by the Transportation
5 Services Authority.

6 **Sec. 37.** 1. Notwithstanding the provisions of this act, before
7 March 1, 2004, if a person is not in compliance with the provisions
8 of sections 6 to 11, inclusive, of this act, a fully regulated carrier of
9 passengers may employ, enter into a lease with, or require or allow
10 the person to be a driver of the fully regulated carrier of passengers
11 and the person may operate as a driver of the fully regulated carrier
12 of passengers without being in compliance with the provisions of
13 sections 6 to 11, inclusive, of this act.

14 2. On and after March 1, 2004, each fully regulated carrier of
15 passengers and each person who is or who wishes to be a driver of a
16 fully regulated carrier of passengers shall comply with the
17 provisions of sections 6 to 11, inclusive, of this act.

18 **Sec. 38.** 1. Notwithstanding the provisions of this act, before
19 March 1, 2004, the provisions of this act do not preempt any
20 ordinance enacted pursuant to NRS 268.097 which regulates the
21 qualifications of a driver of a taxicab motor carrier.

22 2. On and after March 1, 2004, the provisions of this act do not
23 preempt any ordinance enacted pursuant to NRS 268.097 which
24 regulates the qualifications of a driver of a taxicab motor carrier if
25 the ordinance may be enforced in a manner consistent with the
26 provisions of NRS 706.011 to 706.791, inclusive, and sections 2 to
27 11, inclusive, of this act and the regulations adopted by the
28 Transportation Services Authority.

29 **Sec. 39.** 1. This act becomes effective upon passage and
30 approval.

31 2. The provisions of sections 7, 8, 12 and 13 of this act expire
32 by limitation on the date on which the provisions of 42 U.S.C. § 666
33 requiring each state to establish procedures under which the State
34 has authority to withhold or suspend, or to restrict the use of
35 professional, occupational and recreational licenses of persons who:

36 (a) Have failed to comply with a subpoena or warrant relating to
37 a procedure to determine the paternity of a child or to establish or
38 enforce an obligation for the support of a child; or

39 (b) Are in arrears in the payment for the support of one or more
40 children,

41 are repealed by the Congress of the United States.

