SENATE BILL NO. 401–SENATORS PARKS, SEGERBLOM, FARLEY; GANSERT, KIECKHEFER AND SETTELMEYER

MARCH 20, 2017

JOINT SPONSORS: ASSEMBLYMEN CARLTON, OSCARSON AND WHEELER

Referred to Committee on Transportation

SUMMARY—Revises provisions relating the Nevada to Transportation Authority and the Taxicab Authority. (BDR 58-86)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

EXPLANATION - Matter in *bolded italics* is new; matter between brackets for its material is material to be omitted.

AN ACT relating to motor carriers; establishing provisions relating to citations issued by the Nevada Transportation Authority and the Taxicab Authority; prohibiting certain persons employed by the Nevada Transportation Authority or the Taxicab Authority from stopping a vehicle for a suspected violation of certain provisions of law without probable cause; prohibiting the Nevada Transportation Authority and the Taxicab Administrator from impounding vehicles; repealing provisions requiring the Nevada Transportation Authority and the Taxicab Administrator vehicles to impound in certain circumstances; repealing provisions relating to the suspension of the driver's license of a person for failure to pay an administrative fine to the Nevada Transportation Authority; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the imposition of various penalties for $\frac{1}{3}$ violations of law relating to motor carriers after a person is provided a hearing before the Nevada Transportation Authority (NTA), the Taxicab Authority (TA) or





4 the Taxicab Administrator, as applicable. (NRS 706.011-706.791, 706.881-5 706.885) Sections 2 and 5 of this bill provide that any person employed by the 6 NTA or the TA, respectively, who is authorized to issue citations may issue a 7 citation to any person suspected of violating a provision of law or a regulation 8 subject to the jurisdiction of the NTA or the TA, as applicable. Such a citation shall 9 be deemed to be a lawful complaint upon the filing of the original citation with a 10 court of competent jurisdiction. After such a citation is filed with a court of 11 competent jurisdiction, the citation may only be disposed of by a hearing in that 12 court or other official action by a judge of that court. Sections 2 and 5 set forth the 13 information that such a citation is required to include and require a person who 14 issues such a citation to sign the citation on behalf of the NTA or the TA, 15 respectively. Sections 2 and 5 also require the NTA and the TA, respectively, to 16 adopt any regulations necessary to carry out the provisions of those sections. 17 Sections 9-19, 22, 23 and 26-33 of this bill make conforming changes to reflect the 18 procedure established in sections 2 and 5.

19 Sections 3 and 6 of this bill provide that any person employed by the NTA or the TA, respectively, who is authorized to stop a vehicle for a suspected violation of a provision of law or a regulation subject to the jurisdiction of the NTA or the TA, as applicable, is prohibited from stopping any such vehicle unless the person has probable cause to believe that a violation has occurred.

20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 Existing law requires the NTA to impound a vehicle used as a taxicab, limousine or other passenger vehicle in passenger service or to provide towing services or the transportation of household goods if a certificate of public convenience and necessity is required to be issued to authorize the operation of any such vehicle but has not been issued to authorize its operation. (NRS 706.476) Similarly, existing law requires the TA to impound a vehicle used as a taxicab, limousine or other passenger vehicle in passenger service if a certificate of public convenience and necessity has not been issued authorizing the operation of such a vehicle. (NRS 706.88395) Section 35 of this bill repeals such provisions and sections 4 and 7 of this bill, respectively, prohibit the NTA and the TA from impounding any such vehicle.

35 36 37 Existing law provides that if the NTA imposes an administrative fine against a person, the NTA is required to provide notice to the person which indicates that if the person fails to pay the amount owed, the NTA is required to notify the 38 Department of Motor Vehicles of such failure to pay and the Department may suspend the driver's license of the person. (NRS 706.772) Existing law also 39 40 establishes the procedure for the suspension of the driver's license of a person by 41 the Department after receiving such notice from the NTA. (NRS 483.441) Section 42 35 of this bill repeals such provisions.

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

Section 1. Chapter 706 of NRS is hereby amended by adding 1 thereto the provisions set forth as sections 2 to 7, inclusive, of this 2 3 act.

4 Sec. 2. 1. Any person employed by the Authority who is 5

authorized to issue citations may issue a citation to any person 6

suspected of violating a provision of NRS 706.011 to 706.791, inclusive, and sections 2, 3 and 4 of this act or any regulations 7

8 adopted pursuant thereto.





2. A citation issued pursuant to subsection 1 shall be deemed 2 to be a lawful complaint upon the filing of the original citation 3 with a court of competent jurisdiction. 3. After a citation is filed with a court of competent 4 jurisdiction pursuant to subsection 2, the citation may only be 5 disposed of by a hearing in that court or other official action by a 6 7 judge of that court. 8 4. A citation issued pursuant to subsection 1 must include: 9 (a) Notice of the time and place of the hearing before the 10 court; 11 (b) The personal information of the person receiving the 12 citation: 13 (c) The name of the holder and the number of the certificate of 14 public convenience and necessity or contract carrier's permit 15 issued by the Authority: 16 (d) A description of the vehicle, if applicable; (e) The driver's license number of the person receiving the 17 18 citation, if applicable; 19 (f) A description of each alleged violation and the NRS citation 20 to each alleged violation; and 21 (g) Any other information that may be required pursuant to 22 regulations adopted by the Authority. 23 5. A person who issues a citation pursuant to subsection 1 shall sign the citation on behalf of the Authority. 24 6. The Authority shall adopt any regulations necessary to 25 carry out the provisions of this section. 26 Sec. 3. Any person employed by the Authority who is 27 authorized to stop a vehicle because of a suspected violation of 28 29 NRS 706.011 to 706.791, inclusive, and sections 2, 3 and 4 of this act shall not stop any such vehicle unless he or she has probable 30 cause to believe that a violation of NRS 706.011 to 706.791, 31 32 inclusive, and sections 2, 3 and 4 of this act or any regulations 33 adopted pursuant thereto has occurred. Sec. 4. The Authority shall not impound any vehicle used as 34 a taxicab, limousine or other passenger vehicle in passenger 35 service or to provide towing services or the transportation of 36 household goods, and no provision of the laws of this State may be 37 construed to grant any authority to the Authority to impound any 38 39 such vehicle. 40 Sec. 5. 1. Any person employed by the Taxicab Authority

who is authorized to issue citations may issue a citation to any 41 person suspected of violating a provision of NRS 706.881 to 42 706.885, inclusive, and sections 5, 6 and 7 of this act or any 43 44 regulations adopted pursuant thereto.





2. A citation issued pursuant to subsection 1 shall be deemed 1 to be a lawful complaint upon the filing of the original citation 2 3 with a court of competent jurisdiction.

3. After a citation is filed with a court of competent 4 jurisdiction pursuant to subsection 2, the citation may only be 5 6 disposed of by a hearing in that court or other official action by a 7 judge of that court.

8 4. A citation issued pursuant to subsection 1 must include:

9 (a) Notice of the time and place of the hearing before the 10 court;

11 (b) The personal information of the person receiving the 12 citation:

13 (c) The name of the holder and the number of the certificate of 14 public convenience and necessity issued by the Taxicab Authority;

(d) A description of the vehicle, if applicable;

(e) The driver's license number of the person receiving the 16 17 citation, if applicable;

18 (f) A description of each alleged violation and the NRS citation 19 to each alleged violation; and

20 (g) Any other information that may be required pursuant to 21 regulations adopted by the Taxicab Authority.

22 5. A person who issues a citation pursuant to subsection 1 shall sign the citation on behalf of the Taxicab Authority. 23

The Taxicab Authority shall adopt any regulations 24 **6**. 25 necessary to carry out the provisions of this section.

Sec. 6. Any employee of the Taxicab Authority who is 26 27 authorized to stop a vehicle because of a suspected violation of NRS 706.881 to 706.885, inclusive, and sections 5, 6 and 7 of this 28 29 act shall not stop any such vehicle unless he or she has probable 30 cause to believe that a violation of NRS 706.881 to 706.885, inclusive, and sections 5, 6 and 7 of this act or any regulations 31 adopted pursuant thereto has occurred. 32

33 Sec. 7. The Administrator shall not impound any vehicle used as a taxicab, limousine or other passenger vehicle in 34 35 passenger service, and no provision of the laws of this State may 36 be construed to grant any authority to the Administrator to 37 impound any such vehicle.

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Sec. 8. NRS 706.011 is hereby amended to read as follows:

39 706.011 As used in NRS 706.011 to 706.791, inclusive, *and* 40 sections 2, 3 and 4 of this act, unless the context otherwise requires, 41 the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections. 42 43

Sec. 9. NRS 706.1514 is hereby amended to read as follows:

44 706.1514 1. A majority of the members of the Authority may 45 exercise all of the power and conduct the business of the Authority





1 relating to common or contract carriers, taxicabs, and the warehousing of household goods as provided in this chapter and 2 3 chapter 712 of NRS. [Except as otherwise provided in this subsection, public] 4 **Public** hearings must be conducted by one or more members of the 5 Authority. [An administrative proceeding conducted pursuant to 6 subsection 2 of NRS 706.771 may be conducted by a hearing officer 7 8 designated by the Chair of the Authority. Sec. 10. NRS 706.1519 is hereby amended to read as follows: 9 706.1519 Any decision or action by the Authority which + 10 1. Has the effect of substantially impairing, restricting or 11 rescinding the ability or authorization of a fully regulated motor 12 13 carrier to operate in this State; or 2. <u>Refuses</u> an applicant the ability or authorization to 14 operate as a fully regulated motor carrier in this State 15 16 is a final decision for the purpose of chapter 233B of NRS and 17 may be appealed directly to a court of competent jurisdiction for judicial review. 18 19 **Sec. 11.** NRS 706.256 is hereby amended to read as follows: 706.256 [The Authority] After a hearing to dispose of a 20 citation issued in accordance with section 2 of this act, the court 21 may, in the interest of safety or service [, after hearing:]: 22 Determine and order repairs of facilities of common and 23 1. 24 contract motor carriers: and 25 Order the use of safety appliances by such carriers in the 2. 26 interest of the public and employees. 27 Sec. 12. NRS 706.2855 is hereby amended to read as follows: 706.2855 1. If the Authority **[finds, after notice and hearing,]** 28 believes that a person has violated NRS 706.285, the Authority may 29 30 [, in addition to any penalty, punishment or disciplinary action authorized by this chapter, petition a court of competent 31 jurisdiction for an injunction prohibiting the person from continuing 32 33 to. 34 (a) Engage in advertising that violates the provisions of NRS 35 706.285; or 36 (b) Use any telephone number mentioned in such advertising for 37 any purpose. 38 2. If the court finds that the respondent has engaged in 39 advertising that is unlawful pursuant to NRS 706.285, the court 40 shall: 41 (a) Enjoin the respondent from continuing the advertising. 42 (b) Enjoin the respondent from using the telephone number 43 mentioned in the advertising for any purpose. (c) Issue an order that requires the telephone number mentioned 44 45 in the advertising to be disconnected.

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(d) Forward a copy of the order to the appropriate provider of 1 telephone service within 5 days after issuing the order. 2

3 As used in this section, "provider of telephone service" 3. 4 includes, but is not limited to:

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(a) A public utility furnishing telephone service.

(b) A provider of cellular or other service to a telephone that is 6 7 installed in a vehicle or is otherwise portable.

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Sec. 13. NRS 706.286 is hereby amended to read as follows:

9 706.286 1. When a complaint is made against any fully 10 regulated carrier or operator of a tow car by any person that:

11 (a) Any of the rates, tolls, charges or schedules, or any joint rate 12 or rates assessed by any fully regulated carrier or by any operator of 13 a tow car for towing services performed without the prior consent of 14 the owner of the vehicle or the person authorized by the owner to 15 operate the vehicle are in any respect unreasonable or unjustly 16 discriminatory;

(b) Any of the provisions of NRS 706.444 to 706.453, inclusive, 17 have been violated: 18

(c) Any regulation, measurement, practice or act directly 19 relating to the transportation of persons or property, including the 20 handling and storage of that property, is, in any respect, 21 22 unreasonable, insufficient or unjustly discriminatory; or

23 (d) Any service is inadequate,

→ the Authority shall investigate the complaint. After receiving the 24 complaint, the Authority shall give a copy of it to the carrier or 25 operator of a tow car against whom the complaint is made. Within a 26 27 reasonable time thereafter, the carrier or operator of a tow car shall 28 provide the Authority with its written response to the complaint according to the regulations of the Authority. 29

30 If the Authority determines that probable cause exists for the 2. 31 complaint, it shall forder a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing. 32

<u>3. No order affecting a rate, toll, charge, schedule, regulation,</u> 33 measurement, practice or act complained of may be entered without 34 35 a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.] issue a citation in accordance with section 2 of 36 37 this act. 38

Sec. 14. NRS 706.2873 is hereby amended to read as follows:

39 706.2873 1. A complete record must be kept of all hearings 40 before the Authority, and all testimony must be taken down by the 41 stenographer appointed by the Authority, or, under the direction of any competent person appointed by the Authority, reported by 42 sound recording equipment in the manner authorized for reporting 43 testimony in district courts. The testimony reported by a 44 45 stenographer must be transcribed and filed with the record in the





1 matter. The Authority may by regulation provide for the 2 transcription or safekeeping of sound recordings. The costs of recording and transcribing testimony at any hearing [, except those 3 hearings ordered pursuant to NRS 706.286, must be paid by the 4 5 applicant. If fa complaint is made pursuant to NRS 706.286 by a customer or by a political subdivision of this State or a municipal 6 7 organization, the complainant is not liable for any costs. Otherwise, iff there are several applicants or parties to any hearing, the 8 9 Authority may apportion the costs among them in its discretion.

2. Whenever any petition is served upon the Authority, before the action is reached for trial, the Authority shall file a certified copy of all proceedings and testimony taken with the clerk of the court in which the action is pending.

14 3. A copy of the proceedings and testimony must be furnished 15 to any party, on payment of a reasonable amount, to be fixed by the 16 Authority, and the amount must be the same for all parties.

4. The provisions of this section do not prohibit the Authority from restricting access to the records and transcripts of a hearing pursuant to subsection 2 of NRS 706.1725.

Sec. 15. NRS 706.2885 is hereby amended to read as follows:

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

24 2. [The Authority] After a hearing to dispose of a citation 25 issued in accordance with section 2 of this act, the court may, fat any time,] for good cause shown, [after investigation and hearing 26 27 and upon 5 days' written notice to the grantee, suspend for a period 28 *not to exceed 60 days or revoke* any certificate, permit or license 29 issued in accordance with the provisions of NRS 706.011 to 30 706.791, inclusive, for a period not to exceed 60 days. and 31 sections 2, 3 and 4 of this act.

32 3. [Upon receipt of a written complaint or on its own motion, 33 the Authority may, after investigation and hearing, revoke any 34 certificate, permit or license. If service of the notice required by 35 subsection 2 cannot be made or if the] *If a* grantee relinquishes the 36 grantee's interest in [the] *any* certificate, permit or license by so 37 notifying the Authority in writing, the Authority may revoke the 38 certificate, permit or license without [a hearing.

39 <u>4.</u> *issuing a citation in accordance with section 2 of this act.* 40 Except as otherwise provided in NRS 706.1519, the proceedings thereafter are governed by the provisions of chapter 233B of NRS.

- **Sec. 16.** NRS 706.398 is hereby amended to read as follows:
- 43 706.398 [The Authority:] After a hearing to dispose of a 44 citation issued in accordance with section 2 of this act, the court:



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1 1. Shall revoke or suspend, pursuant to the provisions of this 2 chapter, the certificate of public convenience and necessity of a 3 common motor carrier which has failed to:

4 (a) File the annual report required by NRS 706.167 within 60 5 days after the report is due; or

6 (b) Operate as a carrier of intrastate commerce in this State 7 under the terms and conditions of its certificate,

8 \rightarrow unless the carrier has obtained the prior permission of the 9 Authority.

2. May revoke or suspend, pursuant to the provisions of NRS 706.2885, the certificate of public convenience and necessity of a common motor carrier which has failed to comply with any provision of this chapter or any regulation of the Authority adopted pursuant thereto.

15 Sec. 17. NRS 706.44895 is hereby amended to read as 16 follows:

17 706.44895 1. Except as otherwise provided in NRS 18 706.4489, an operator of a tow car who is required to tow a vehicle 19 to a designated vehicle storage lot pursuant to that section shall not 10 tow the vehicle to another location. If an operator of a tow car fails 11 to tow a vehicle to the designated vehicle storage lot when required 12 pursuant to NRS 706.4489, the operator of the tow car must:

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(a) Forfeit the charge for towing and storage of the vehicle; and

(b) Tow the vehicle free of charge to the vehicle storage lot designated by the insurance company or its representative not later than 24 hours after receiving a demand, which must be made in writing or by electronic mail, from the insurance company or its representative.

29 An operator of a tow car who is required to tow a vehicle to 2. 30 a designated vehicle storage lot pursuant to NRS 706.4489 shall not 31 solicit the owner or operator of the vehicle to divert the towing of 32 the vehicle to a location other than the designated vehicle storage lot 33 or solicit or market other services performed by a third party. Towing services performed pursuant to a request or demand by the 34 35 owner or operator of a vehicle that the vehicle be towed to a location 36 other than the designated vehicle storage lot does not relieve the 37 operator of a tow car of any obligation relating to towing services performed without the prior consent of the owner or operator of a 38 39 vehicle

40 3. If an operator of a tow car violates the provisions of 41 subsection 1 or 2, the Authority may [+] issue a citation in 42 accordance with section 2 of this act. After a hearing to dispose of 43 such a citation, the court may:

44 (a) For a first offense, impose [an administrative] a fine of not
45 more than \$5,000.





(b) For a second offense within a period of 24 consecutive 1 months, impose [an administrative] a fine of not more than \$10,000. 2 (c) For a third offense within a period of 24 consecutive months, 3 impose [an administrative] *a* fine of not more than \$15,000. 4 5 (d) For a fourth or subsequent offense within a period of 24 consecutive months, impose [an administrative] a fine of not more 6 7 than \$20,000. 4. Before imposing a fine pursuant to subsection 3, the 8 9 Authority shall provide notice to the holder of the certificate of 10 public convenience and necessity and conduct a hearing pursuant to the provisions of chapter 233B of NRS and NRS 706.286. 11 12 <u>All administrative fines imposed and collected by the</u> 13 Authority pursuant to this section are payable to the State Treasurer 14 and must be credited to a separate account to be used by the 15 Authority to enforce the provisions of this chapter.] 16 **Sec. 18.** NRS 706.449 is hereby amended to read as follows: 17 706.449 The Authority may *impose an administrative fine* 18 issue a citation in accordance with section 2 of this act for the 19 recovery of a civil penalty pursuant to subsection [2] 1 of NRS 706.771 [on] from the owner or operator of a tow car who fails to 20 21 pay in a timely manner any charge required to be paid by subsection 22 2 of NRS 484D.470. 23 **Sec. 19.** NRS 706.461 is hereby amended to read as follows: 24 706.461 When: 25 A complaint has been filed with the Authority alleging that 1. any vehicle is being operated without a certificate of public 26 27 convenience and necessity or contract carrier's permit as required by 28 NRS 706.011 to 706.791, inclusive $\frac{1}{11}$, and sections 2, 3 and 4 of 29 this act: or 30 The Authority has reason to believe that any: 2. 31 (a) Person is advertising to provide: 32 (1) The services of a fully regulated carrier in intrastate 33 commerce; or (2) Towing services, 34 → without including the number of the person's certificate of public 35 36 convenience and necessity or permit in each advertisement; or 37 (b) Provision of NRS 706.011 to 706.791, inclusive, and sections 2, 3 and 4 of this act is being violated, 38 → the Authority shall investigate the operations or advertising and 39 may [, after a hearing,] issue a citation in accordance with section 40 2 of this act. After a hearing to dispose of such a citation, if the 41 court determines that the person cited has violated this subsection, 42 the court shall order the owner or operator of the vehicle or the 43 44 person advertising to cease and desist from any operation or 45 advertising in violation of NRS 706.011 to 706.791, inclusive [. The * S B 4 0 1 *

Authority shall enforce compliance with the order pursuant to the
 powers vested in the Authority by NRS 706.011 to 706.791,
 inclusive, or by other law.], and sections 2, 3 and 4 of this act.

Sec. 20. NRS 706.566 is hereby amended to read as follows:

5 706.566 The Department may, in its discretion, where a fee or 6 other amount provided for in NRS 706.011 to 706.861, inclusive, 7 *and sections 2, 3 and 4 of this act* remains unpaid for more than 15 8 days and the person liable for it neglects or refuses to pay it for any 9 reason, direct that a civil action be commenced by the Attorney 10 General in a court of competent jurisdiction in the proper county for 11 the recovery of the fee or other amount.

Sec. 21. NRS 706.756 is hereby amended to read as follows:
 706.756 1. Except as otherwise provided in subsection 2, any

14 person who:

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(a) Operates a vehicle or causes it to be operated in any carriage
to which the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2, 3 and 4 of this act* apply without first obtaining a
certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions
of NRS 706.011 to 706.861, inclusive, and sections 2, 3 and 4 of
this act or by the Authority or the Department pursuant to the
provisions of NRS 706.011 to 706.861, inclusive [;], and sections
2, 3 and 4 of this act;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive [;], and sections 2, 3 and 4 of this act;

(d) Fails to obey any order, decision or regulation of theAuthority or the Department;

(e) Procures, aids or abets any person in the failure to obey such
 an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to
perform transportation as a common or contract carrier in violation
of any of the provisions of NRS 706.011 to 706.861, inclusive [;],
and sections 2, 3 and 4 of this act;

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- (g) Advertises as providing: (1) The services of a fully regulated can
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- (1) The services of a fully regulated carrier; or
- (2) Towing services,

without including the number of the person's certificate of public
 convenience and necessity or contract carrier's permit in each
 advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate,
 concession or discrimination in violation of the provisions of this
 chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or
 defeat the purposes of this chapter;





1 (j) Operates or causes to be operated a vehicle which does not 2 have the proper identifying device;

3 (k) Displays or causes or permits to be displayed a certificate, 4 permit, license or identifying device, knowing it to be fictitious or to 5 have been cancelled, revoked, suspended or altered;

6 (l) Lends or knowingly permits the use of by one not entitled 7 thereto any certificate, permit, license or identifying device issued to 8 the person so lending or permitting the use thereof; or

9 (m) Refuses or fails to surrender to the Authority or Department 10 any certificate, permit, license or identifying device which has been 11 suspended, cancelled or revoked pursuant to the provisions of this 12 chapter,

13 \rightarrow is guilty of a misdemeanor, and upon conviction thereof shall be 14 punished by a fine of not less than \$100 nor more than \$1,000, or by 15 imprisonment in the county jail for not more than 6 months, or by 16 both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS
706.386, operates as a fully regulated common motor carrier without
first obtaining a certificate of public convenience and necessity or
any person who, in violation of the provisions of NRS 706.421,
operates as a contract motor carrier without first obtaining a permit
is guilty of a misdemeanor and shall be punished:

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

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

33 3. Any person who, in violation of the provisions of NRS 34 706.386, operates or permits the operation of a vehicle in passenger 35 service without first obtaining a certificate of public convenience 36 and necessity is guilty of a gross misdemeanor.

4. [If a law enforcement officer witnesses a violation of any
provision of subsection 2 or 3, the law enforcement officer may
cause the vehicle to be towed immediately from the scene 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 [6.] 5. Any bail allowed must not be less than the appropriate 44 fine provided for by this section.





Sec. 22. NRS 706.758 is hereby amended to read as follows:

706.758 1. It is unlawful for any person to advertise services 2 3 for which a certificate of public convenience and necessity or a contract carrier's permit is required pursuant to NRS 706.011 to 4 706.791, inclusive, and sections 2, 3 and 4 of this act, unless the 5 6 person has been issued such a certificate or permit.

2. [If, after notice and] The Authority may issue a citation in 7 accordance with section 2 of this act to a person who is suspected 8 of engaging in advertising in a manner that violates the provisions 9 of this section. After a hearing [, the Authority] to dispose of such a 10 *citation, if the court* determines that [a] the person has engaged in 11 advertising in a manner that violates the provisions of this section, 12 the [Authority] court may, in addition to any penalty, punishment or 13 14 disciplinary action authorized by the provisions of NRS 706.011 to 15 706.791, inclusive, and sections 2, 3 and 4 of this act, issue an 16 order to the person to cease and desist the unlawful advertising and 17 to:

18 (a) Cause any telephone number included in the advertising, 19 other than a telephone number to a provider of paging services, to be disconnected. 20

(b) Request the provider of paging services to change the 21 22 number of any beeper which is included in the advertising or 23 disconnect the paging services to such a beeper, and to inform the provider of paging services that the request is made pursuant to this 24 25 section.

26 3. [III] An order issued pursuant to subsection 2 must provide 27 *that if* a person fails to comply with paragraph (a) of subsection 2 within 5 days after the date that the person receives an order 28 pursuant to subsection 2, the Authority may request the Commission 29 to order the appropriate provider of telephone service to disconnect 30 any telephone number included in the advertisement, except for a 31 telephone number to a provider of paging services. If a person fails 32 to comply with paragraph (b) of subsection 2 within 5 days after the 33 date the person receives an order pursuant to subsection 2, the 34 Authority may request the provider of paging services to switch 35 the beeper number or disconnect the paging services provided to the 36 37 person, whichever the provider deems appropriate.

If the provider of paging services receives a request from a 38 4. 39 person pursuant to subsection 2 or a request from the Authority 40 pursuant to subsection 3, it shall: 41

(a) Disconnect the paging service to the person; or

42 (b) Switch the beeper number of the paging service provided to 43 the person.

44 → If the provider of paging services elects to switch the number 45 pursuant to paragraph (b), the provider shall not forward or offer to





1 forward the paging calls from the previous number, or provide or 2 offer to provide a recorded message that includes the new beeper 3 number.

4 5. As used in this section:

5 (a) "Advertising" includes, but is not limited to, the issuance of 6 any sign, card or device, or the permitting or allowing of any sign or 7 marking on a motor vehicle, in any building, structure, newspaper, 8 magazine or airway transmission, on the Internet or in any directory 9 under the listing of "fully regulated carrier" with or without any 10 limiting qualifications.

(b) "Beeper" means a portable electronic device which is used to
page the person carrying it by emitting an audible or a vibrating
signal when the device receives a special radio signal.

14 (c) "Provider of paging services" means an entity, other than a 15 public utility, that provides paging service to a beeper.

16 (d) "Provider of telephone service" has the meaning ascribed to 17 it in NRS 707.355.

Sec. 23. NRS 706.771 is hereby amended to read as follows:

Any person or any agent or employee thereof. 19 706.771 1. who violates any provision of this chapter, any lawful regulation of 20 21 the Authority or any lawful tariff on file with the Authority or who 22 fails, neglects or refuses to obey any lawful order of the Authority or any court order for whose violation a civil penalty is not otherwise 23 24 prescribed is liable to a penalty of not more than \$10,000 for any 25 violation. The penalty may be recovered *after a hearing to dispose* 26 of a citation issued in accordance with section 2 of this act or in 27 another civil action upon the complaint of the Authority in any 28 court of competent jurisdiction **H**, as applicable.

29 If the Authority does not bring an action to recover the 2. 30 penalty prescribed by subsection 1, the Authority may impose an 31 administrative fine of not more than \$10,000 for any violation of a provision of this chapter or any rule, regulation or order adopted or 32 issued by the Authority or Department pursuant to the provisions of 33 this chapter. Except as otherwise provided in NRS 706.1519, a fine 34 imposed by the Authority may be recovered by the Authority only 35 after notice is given and a hearing is held pursuant to the provisions 36 37 of chapter 233B of NRS. 38 3. All administrative fines imposed and collected by the Authority pursuant to subsection 2 are payable to the State Treasurer 39 40 and must be credited to a separate account to be used by the 41 Authority to enforce the provisions of this chapter.

- 41 A penalty for finel recovered pursuant to this section is not
- 43 a cost of service for purposes of rate making.





Sec. 24. NRS 706.881 is hereby amended to read as follows:

2 1. The provisions of NRS 372B.160 and 706.8811 to 706.881 3 706.885, inclusive, and sections 5, 6 and 7 of this act apply to any 4 county: 5

(a) Whose population is 700,000 or more; or

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6 (b) For whom regulation by the Taxicab Authority is not 7 required, if the board of county commissioners of the county has 8 enacted an ordinance approving the inclusion of the county within 9 the jurisdiction of the Taxicab Authority.

10 Upon receipt of a certified copy of such an ordinance from a 2. county for whom regulation by the Taxicab Authority is not 11 required, the Taxicab Authority shall exercise its regulatory 12 13 authority pursuant to NRS 706.8811 to 706.885, inclusive, and sections 5, 6 and 7 of this act within that county. 14

15 Within any such county, the provisions of this chapter which 3. 16 confer regulatory authority over taxicab motor carriers upon the 17 Nevada Transportation Authority do not apply. 18

Sec. 25. NRS 706.8811 is hereby amended to read as follows:

19 706.8811 As used in NRS 706.881 to 706.885, inclusive, *and* sections 5, 6 and 7 of this act, unless the context otherwise requires, 20 21 the words and terms defined in NRS 706.8812 to 706.8817, 22 inclusive, have the meanings ascribed to them in those sections.

23 Sec. 26. NRS 706.88185 is hereby amended to read as 24 follows:

25 706.88185 [1.] When the Taxicab Authority has reason to 26 believe that any provision of NRS 706.881 to 706.885, inclusive, and sections 5, 6 and 7 of this act is being violated, the Taxicab 27 28 Authority shall investigate the alleged violation **H** and may issue a citation in accordance with section 5 of this act. After a hearing 29 30 **[the Taxicab Authority]** to dispose of such a citation, the court may issue an order requiring that the certificate holder cease and desist 31 32 from any action that is in violation of NRS 706.881 to 706.885, 33 inclusive .

34 2. The Taxicab Authority shall enforce an order issued 35 pursuant to subsection 1 in accordance with the provisions of NRS $\frac{706.881}{706.881}$ to $\frac{706.885}{100}$, inclusive.], and sections 5, $\hat{6}$ and 7 of this act. 36

37 Sec. 27. NRS 706.8822 is hereby amended to read as follows: 706.8822 The Administrator shall conduct administrative 38 39 hearings and make final decisions, subject to appeal by any 40 aggrieved party to the Taxicab Authority, fin the following matters: 1. Any violation relating to the issuance of or transfer of 41

license plates for motor carriers required by either the Taxicab 42

- Authority or the Department of Motor Vehicles; 43
- 2. Complaints against certificate holders; 44
- 45 3. Complaints against taxicab drivers;





1 4. Applications] regarding applications for [, or suspension or revocation of,] drivers' permits which may be required by the 2 Administrator . [; and 3 4 <u>5. Imposition of monetary penalties.</u> 5 Sec. 28. NRS 706.8827 is hereby amended to read as follows: A person shall not engage in the taxicab business 6 706.8827 1. 7 unless the person: 8 (a) Holds a certificate of public convenience and necessity from 9 the Public Service Commission of Nevada issued before July 1, 10 1981, which has not been transferred, revoked or suspended; [by 11 the Taxicab Authority;] or 12 (b) Currently holds a certificate of public convenience and 13 necessity from the Taxicab Authority as provided in this section. 14 Upon the filing of an application for a certificate of public 2. 15 convenience and necessity, the Taxicab Authority shall fix a time and place for a hearing thereon. The Taxicab Authority shall issue 16 17 the certificate if it finds that: (a) The applicant is fit, willing and able to perform the services 18 19 of a taxicab motor carrier; (b) The proposed operation will be consistent with the 20 21 legislative policies set forth in NRS 706.151; 22 (c) The granting of the certificate will not unreasonably and 23 adversely affect other carriers operating in the territory for which 24 the certificate is sought; 25 (d) The holders of existing certificates will not meet the needs of 26 the territory for which the certificate is sought if the certificate is not 27 granted; and 28 (e) The proposed service will benefit the public and the taxicab 29 business in the territory to be served. 30 The applicant for a certificate has the burden of proving to 3. 31 the Taxicab Authority that the proposed operation will meet the requirements of subsection 2. The Taxicab Authority shall not find 32 33 that the potential creation of competition in a territory which may be caused by the granting of a certificate, by itself, will unreasonably 34 35 and adversely affect other carriers operating in the territory for the 36 purposes of paragraph (c) of subsection 2. 37 The applicant must submit an application fee of \$200, which 4. must not be refunded, with the application. The applicant must also 38 39 pay those amounts which are billed to the applicant by the Authority 40 for reasonable costs incurred by it in conducting an investigation or hearing regarding the applicant *H* for the purposes of issuing a 41 certificate of public convenience and necessity. 42 43 The Taxicab Authority may attach to the exercise of the 5. 44 rights granted by the certificate any terms and conditions which in 45 its judgment the public interest may require.

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1 6. The Taxicab Authority may dispense with the hearing on the 2 application if, upon the expiration of the time fixed in the notice of 3 the hearing, no protest against the granting of the certificate has 4 been filed by or on behalf of any person.

5 7. Any person who has been denied a certificate of public 6 convenience and necessity after a hearing may not file a similar 7 application with the Taxicab Authority covering the same type of 8 service and over the same route or routes or in the same territory for 9 which the certificate of public convenience and necessity was 10 denied except after the expiration of 180 days from the date the 11 certificate was denied.

Sec. 29. NRS 706.8829 is hereby amended to read as follows:

706.8829 1. A certificate holder shall maintain a uniform
system of accounts in which all business transacted by the certificate
holder is recorded. The accounts must be:

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(a) Kept in a form prescribed by the Taxicab Authority;

17 (b) Before May 15 of each year, submitted to the Taxicab 18 Authority in an annual report in the form and detail prescribed by 19 the Taxicab Authority;

20 (c) Retained for a period of 3 years after their receipt back from 21 the Taxicab Authority; and

22 (d) Supplemented with such additional information as the 23 Taxicab Authority may require.

24 2. The Taxicab Authority may examine the books, accounts, 25 records, minutes and papers of a certificate holder at any reasonable 26 time to determine their correctness and whether they are maintained 27 in accordance with the regulations adopted by the Taxicab 28 Authority.

29 3. If a certificate holder fails to comply with any provision of 30 this section in a timely manner, the [Administrator, after] Taxicab 31 Authority may issue a citation in accordance with section 5 of this act. After a hearing $\frac{1}{12}$ to dispose of such a citation, if the court 32 determines that a certificate holder failed to comply with any 33 provision of this section, the court may impose a fine of not more 34 than \$1,000, [commence proceedings to] suspend or revoke the 35 certificate of public convenience and necessity of the certificate 36 37 holder, or both impose a fine and **commence such proceedings.** 38 suspend or revoke the certificate of public convenience and 39 necessity of the certificate holder.

Sec. 30. NRS 706.8848 is hereby amended to read as follows:

41 706.8848 1. If a driver violates any provision of NRS
42 706.8844 to 706.8847, inclusive, the [Administrator] Taxicab
43 Authority may issue a citation in accordance with section 5 of this
44 act. After a hearing to dispose of such a citation, the court may
45 impose the following sanctions:





(a) First offense: Warning notice or a fine of not more than 1 2 \$100, or both warning and fine.

(b) Second offense: 1 to 3 days' suspension of a driver's permit 3 or a fine of not more than \$200, or both suspension and fine. 4

(c) Third offense: 4 to 6 days' suspension of a driver's permit or 5 6 a fine of not more than \$300, or both suspension and fine.

(d) Fourth offense: 10 days' suspension of a driver's permit or a 7 fine of not more than \$500, or both suspension and fine. 8

9 (e) Fifth offense: Revocation of a driver's permit or a fine of not 10 more than \$500, or both revocation and fine.

Only violations occurring in the 12 months immediately 11 2. 12 preceding the most current violation shall be considered for the purposes of subsection 1. The [Administrator] court shall inspect 13 14 the driver's record for that period to compute the number of offenses 15 committed.

16 13. The Administrator shall conduct a hearing prior to suspension or revocation of a driver's permit or imposing a fine 17 18 under this section or NRS 706.8849.] 19

Sec. 31. NRS 706.8849 is hereby amended to read as follows:

20 706.8849 1. If a taxicab is equipped with a taximeter, the taxicab driver shall: 21

22 (a) Ensure that the fare indicator on the taximeter of the taxicab 23 reads zero before the time that the taxicab is engaged.

24 (b) Ensure that the taximeter of the taxicab is engaged while the 25 taxicab is on hire.

26 (c) Not make any charge for the transportation of a passenger 27 other than the charge shown on the taximeter.

28 (d) Not alter, manipulate, tamper with or disconnect a sealed 29 taximeter or its attachments nor make any change in the mechanical 30 condition of the wheels, tires or gears of a taxicab with intent to 31 cause false registration on the taximeter of the passenger fare.

(e) Not permit any person or persons other than the person who 32 has engaged the taxicab to ride therein unless the person who has 33 engaged the taxicab requests that the other person or persons ride in 34 35 the taxicab. If more than one person is loaded by the taxicab driver 36 as set forth in this paragraph, the driver shall, when one of the 37 persons leaves the taxicab, charge that person the fare on the meter 38 and reset the taximeter.

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2. A taxicab driver shall:

(a) Not remove or alter fare schedules which have been posted 40 41 in the taxicab by the certificate holder.

(b) Not drive a taxicab or go on duty while under the influence 42 43 of, or impaired by, any controlled substance, dangerous drug, or 44 intoxicating liquor or drink intoxicating liquor while on duty.





1 (c) Not use or consume controlled substances or dangerous 2 drugs which impair a person's ability to operate a motor vehicle at 3 any time, or use or consume any other controlled substances or 4 dangerous drugs at any time except in accordance with a lawfully 5 issued prescription.

6 (d) Not operate a taxicab without a valid driver's permit issued 7 pursuant to NRS 706.8841 and a valid driver's license issued 8 pursuant to NRS 483.325 in the driver's possession.

9 (e) Obey all provisions and restrictions of the certificate of 10 public convenience and necessity issued to the driver's employer or 11 the certificate holder with whom the driver contracts.

12 3. If a driver violates any provision of subsection 1 or 2, the 13 [Administrator] Taxicab Authority may issue a citation in 14 accordance with section 5 of this act. After a hearing to dispose of 15 such a citation, the court may [, after a hearing,] impose the 16 following sanctions:

(a) For a first offense, 1 to 5 days' suspension of a driver's
permit or a fine of not more than \$100, or both suspension and fine.

(b) For a second offense, 6 to 20 days' suspension of a driver's
permit or a fine of not more than \$300, or both suspension and fine.

(c) For a third offense, a fine of not more than \$500.

22 → In addition to the other penalties set forth in this subsection, the
 23 [Administrator] court may revoke a driver's permit for any violation
 24 of a provision of paragraph (b) of subsection 2.

4. Only violations occurring in the 12 months immediately preceding the most current violation may be considered for the purposes of subsection 3. The [Administrator] court shall inspect the driver's record for that period to compute the number of offenses committed.

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Sec. 32. NRS 706.885 is hereby amended to read as follows:

31 706.885 1. Any person who knowingly makes or causes to be 32 made, either directly or indirectly, a false statement on an 33 application, account or other statement required by the Taxicab 34 Authority or the Administrator or who violates any of the provisions 35 of NRS 706.881 to 706.885, inclusive, *and sections 5, 6 and 7 of* 36 *this act* is guilty of a misdemeanor.

The Taxicab Authority [or Administrator] may [at any time, 37 2. for good cause shown and upon at least 5 days' notice] issue a 38 39 citation in accordance with section 5 of this act to the grantee of 40 any certificate or driver's permit [, and after a hearing unless waived 41 by the grantee, penalize the grantee of a certificate to a maximum amount of \$15,000 or penalize the grantee of a driver's permit to a 42 maximum amount of \$500 or suspend or revoke the certificate or 43 44 driver's permit granted by the Taxicab Authority or Administrator, respectively, for: 45





(a) Any violation of any provision of NRS 706.881 to 706.885, 1 2 inclusive, and sections 5, 6 and 7 of this act or any regulation of the 3 Taxicab Authority or Administrator.

(b) Knowingly permitting or requiring any employee to violate 4 any provision of NRS 706.881 to 706.885, inclusive, and sections 5, 5 6 6 and 7 of this act or any regulation of the Taxicab Authority or 7 Administrator.

 \rightarrow 3. After a hearing to dispose of a citation issued in 8 9 accordance with section 5 of this act, the court may penalize the 10 grantee of a certificate to a maximum amount of \$15,000 or penalize the grantee of a driver's permit to a maximum amount of 11 12 \$500 or suspend or revoke the certificate or driver's permit 13 granted by the Taxicab Authority or Administrator, respectively.

14 4. If a penalty is imposed on the grantee of a certificate 15 pursuant to this section, the [Taxicab Authority or Administrator] 16 *court* may require the grantee to pay the costs of the proceeding, 17 including investigative costs and attorney's fees.

18 13. When]

19 If a driver or certificate holder fails to appear at the time and 5. 20 place stated in the notice for the hearing, the [Administrator] court 21 shall enter a finding of default. Upon a finding of default, the 22 [Administrator] court may suspend or revoke the license, permit or certificate of the person who failed to appear and impose the 23 penalties provided in this chapter. For good cause shown, the 24 25 [Administrator] court may set aside a finding of default and proceed 26 with the hearing.

27 [4.] 6. Any person who operates or permits a taxicab to be 28 operated in passenger service without a certificate of public convenience and necessity issued pursuant to NRS 706.8827, is 29 30 guilty of a gross misdemeanor. If a law enforcement officer 31 witnesses a violation of this subsection, the law enforcement officer may cause the vehicle to be towed immediately from the scene. 32

5. The conviction of a person pursuant to subsection 1 does not 33 bar the Taxicab Authority or Administrator from suspending or 34 revoking any certificate, permit or license of the person convicted. 35 The imposition of a fine or suspension or revocation of any 36 certificate, permit or license by the Taxicab Authority or 37 Administrator does not operate as a defense in any proceeding 38 39 brought under subsection 1.1

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Sec. 33. NRS 484D.470 is hereby amended to read as follows: 41 484D.470 1. Tow cars must be equipped with:

42 (a) One or more brooms, and the driver of the tow car engaged to remove a disabled vehicle from the scene of a crash shall remove 43 44 all glass and debris deposited upon the roadway by the disabled vehicle which is to be towed. 45





1 (b) A shovel, and whenever practical the driver of the tow car 2 engaged to remove any disabled vehicle shall spread dirt upon any portion of the roadway where oil or grease has been deposited by 3 4 the disabled vehicle.

5 (c) At least one fire extinguisher of the dry chemical or carbon 6 dioxide type, with minimum effective chemicals of no less than 5 pounds, with an aggregate rating of at least 10-B, C units, which 7 must bear the approval of a laboratory nationally recognized as 8 9 properly equipped to grant such approval.

2. A citation may be issued to any driver of a tow car who 10 violates any provision of paragraph (a) of subsection 1. The peace 11 officer who issues the citation shall report the violation to the 12 13 Nevada Highway Patrol or the sheriff of the county or the chief of 14 police of the city in which the roadway is located. If necessary, the Nevada Highway Patrol, sheriff or chief of police shall cause the 15 roadway to be cleaned and shall bill the owner or operator of 16 17 the tow car for the costs of the cleaning. If the owner or operator does not pay those costs within 30 days after receiving the bill 18 19 therefor, the Nevada Highway Patrol, sheriff or chief of police shall report such information to the Nevada Transportation Authority, 20 21 which may take **[disciplinary]** action in accordance with the provisions of NRS 706.449. 22

Sec. 34. The amendatory provisions of sections 2, 5, 9-19, 22, 23 24 23 and 26-33 of this act apply to citations issued by the Nevada 25 Transportation Authority or the Taxicab Authority, as applicable, on or after October 1, 2017. 26

Sec. 35. NRS 483.441, 706.476, 706.478, 706.772 and 27 706.88395 are hereby repealed. 28 29

Sec. 36. This act becomes effective:

30 Upon passage and approval for the purpose of adopting any 1. 31 regulations and performing any other preparatory administrative 32 tasks that are necessary to carry out the provisions of this act; and 33

2. On October 1, 2017, for all other purposes.

LEADLINES OF REPEALED SECTIONS

483.441 Suspension of license for delinquent payment of administrative fines and other costs owed pursuant to NRS 706.476 or 706.771; notice; plan for repayment; reinstatement; fee for reinstatement.

706.476 Impoundment by Authority of certain vehicles in unauthorized use; notice and hearing; administrative fine.





706.478 Short-term lessor not liable for fine or penalty related to impoundment of certain vehicles in unauthorized use if vehicle in care, custody or control of lessee; evidence of care, custody or control; release of vehicle to short-term lessor.

706.772 Administrative fines: Repayment plans; notice; notification provided to Department of Motor Vehicles.

706.88395 Impoundment by Administrator of vehicle in unauthorized use as taxicab; notice and hearing; administrative fine.



