

# NEVADA LEGISLATURE

Seventy-Third Session, 2005

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## ASSEMBLY DAILY JOURNAL

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### THE ONE-HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), June 3, 2005

Assembly called to order at 10:40 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Imam Salem Mohammed.

Almighty God, most merciful, most compassionate, shower us with Your grace and compassion, and enable us to spread compassion and mercy to others. Almighty God, God of infinite justice, inspire us to exercise justice everywhere, inspire us to justice in this Assembly as all that is right. We know that You love justice and just people, together with the doers of good. Almighty God, bless our nation, our leaders, our state, and our lawmakers in this Assembly with the best of guidance.

AMEN.

Pledge of Allegiance to the Flag.

Assemblyman Oceguela moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were rereferred Assembly Bill No. 347; Senate Bill No. 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 34, 514, 515, 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 392, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 254.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 64, Senate Amendment No. 872, and requests a conference, and appointed Senators Beers, Mathews and Cegavske as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 87, Senate Amendment No. 924, and requests a conference, and appointed Senators Townsend, Heck and Carlton as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 180, Senate Amendments Nos. 765, 1105, and requests a conference, and appointed Senators Cegavske, Wiener and Washington as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 208, Senate Amendment No. 925, and requests a conference, and appointed Senators Heck, Tiffany and Carlton as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 239, Senate Amendment No. 951, and requests a conference, and appointed Senators Heck, Schneider and Nolan as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 290, Senate Amendments Nos. 867, 1062, and requests a conference, and appointed Senators Schneider, Carlton and Lee as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 260, Senate Amendments Nos. 866, 1048, and requests a conference, and appointed Senators Heck, Carlton and Tiffany as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 380, Senate Amendment No. 895, and requests a conference, and appointed Senators Heck, Horsford and McGinness as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 555, Senate Amendment No. 685, and requests a conference, and appointed Senators Heck, Tiffany and Carlton as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Joint Resolution No. 5, Senate Amendment No. 981, and requests a conference, and appointed Senators Beers, Mathews and Cegavske as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 100, 520.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 45.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1123 to Senate Bill No. 89; Assembly Amendment No. 1115 to Senate Bill No. 311.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 1125 to Senate Bill No. 98.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Care, McGinness and Amodei as a first Conference Committee concerning Senate Bill No. 198.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Nolan, Heck and Horsford as a first Conference Committee concerning Senate Bill No. 290.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Amodei, Washington and Care as a first Conference Committee concerning Senate Bill No. 338.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Nolan, Tiffany and Horsford as a first Conference Committee concerning Senate Bill No. 367.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Conference Committee concerning Senate Bill No. 173; Assembly Bills Nos. 365, 465.

MARY JO MONGELLI  
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, June 3, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 46.

MARY JO MONGELLI  
*Assistant Secretary of the Senate*

#### INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 100.

Assemblyman Oceguela moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 520.

Assemblyman Oceguela moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguela moved that Assembly Bill No. 422 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguela moved that Assembly Bill No. 462 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguate moved that Senate Bill No. 392 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 422.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1142.

Amend section 1, pages 1 and 2, by deleting lines 2 through 16 on page 1 and lines 1 through 14 on page 2, and inserting:

~~“386.320 [1.—If the total pupil enrollment in the school district for the immediately preceding school year is less than 1,000:~~

~~(a) The clerk and president of the board of trustees may each receive a salary of \$85 for each board of trustees meeting they attend, not to exceed \$170 a month.~~

~~(b) The other trustees may each receive a salary of \$80 for each board of trustees meeting they attend, not to exceed \$160 a month.~~

~~(c) Each member of the board of trustees of a school district is entitled to receive a salary in an amount not to exceed \$1,200 a month. The board of trustees of a school district may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.~~

~~[2.—If the total pupil enrollment in the school district for the immediately preceding school year is 1,000 or more:~~

~~(a) The clerk and president of the board of trustees may each receive a salary of \$85 for each board of trustees meeting they attend, not to exceed \$510 a month.~~

~~(b) The other trustees may each receive a salary of \$80 for each board of trustees meeting they attend, not to exceed \$480 a month.~~

~~(c) The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.]”.~~

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend the title of the bill, first line, by deleting “increasing” and inserting: “revising provisions governing”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions governing compensation of members of boards of trustees of school districts. (BDR 34-1173)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed,

Assembly Bill No. 462.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1141.

Amend section 1, page 1, line 2, after “223.050” by inserting “1.”.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

“Governor is entitled to receive an annual salary of ~~[\$90,000. From and after]~~ \$117,000. From the first Monday in January ~~[1999,]~~ 2007, until the first Monday in January 2011.”.

Amend section 1, page 1, between lines 6 and 7, by inserting:

“2. On the first Monday in January 2011 and on the first Monday of every fourth year thereafter, the salary of the Governor must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of the Governor.”.

Amend sec. 2, page 1, by deleting lines 10 and 11 and inserting:

“~~[\$20,000. From and after]~~ \$50,000. From the first Monday in January ~~[1999,]~~ 2007, until the first Monday in January 2011, the Lieutenant Governor is entitled to receive an”.

Amend sec. 2, page 1, by deleting line 13 and inserting:

“2. On the first Monday in January 2011 and on the first Monday of every fourth year thereafter, the salary of the Lieutenant Governor must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of the Lieutenant Governor.

3. In addition to the annual salary provided for in ~~[subsection 1,]~~ subsections 1 and 2.”.

Amend sec. 2, page 1, by deleting line 18 and inserting:

“~~[3.]~~ 4. In addition to the salary provided in subsections ~~[1 and 2,]~~ 1, 2 and 3, the”.

Amend sec. 3, page 2, line 7, after “225.050” by inserting “1.”.

Amend sec. 3, page 2, by deleting lines 9 and 10 and inserting:

“~~[\$62,500. From and after]~~ \$80,000. From the first Monday in January ~~[1999,]~~ 2007, until the first Monday in January 2011, the Secretary of State is entitled to receive an annual”.

Amend sec. 3, page 2, between lines 11 and 12, by inserting:

“2. On the first Monday in January 2011 and on the first Monday of every fourth year thereafter, the salary of the Secretary of State must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of the Secretary of State.”.

Amend sec. 4, page 2, line 13, after “226.090” by inserting “1.”.

Amend sec. 4, page 2, by deleting lines 14 and 15 and inserting:

“State Treasurer is entitled to receive an annual salary of [~~\$62,500. From and after~~] \$80,000. From the first Monday in January [~~1999,~~] 2007, until the first Monday in January 2011.”

Amend sec. 4, page 2, between lines 17 and 18, by inserting:

“2. On the first Monday in January 2011 and on the first Monday of every fourth year thereafter, the salary of the State Treasurer must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of the State Treasurer.”

Amend sec. 5, page 2, line 19, after “227.060” by inserting “1.”

Amend sec. 5, page 2, by deleting lines 20 and 21 and inserting: “State Controller is entitled to receive an annual salary of [~~\$62,500. From and after~~] \$80,000. From the first Monday in January [~~1999,~~] 2007, until the first Monday in January 2011.”

Amend sec. 5, page 2, between lines 23 and 24, by inserting:

“2. On the first Monday in January 2011 and on the first Monday of every fourth year thereafter, the salary of the State Controller must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of the State Controller.”

Amend sec. 6, page 2, by deleting lines 27 and 28 and inserting: “[~~\$85,000. From and after~~] \$110,000. From the first Monday in January [~~1999,~~] 2007, until the first Monday in January 2011, the Attorney General is entitled to receive an annual”

Amend sec. 6, page 2, line 30, after “2.” by inserting: “On the first Monday in January 2011 and on the first Monday of every fourth year thereafter, the salary of the Attorney General must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding term of the Attorney General.

3.”

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 6, to read as follows:

“Sec. 7. NRS 218.210 is hereby amended to read as follows:

218.210 1. Each Senator and Assemblyman is entitled to receive as compensation \$130 per day for each day of service:

~~{1}~~ (a) During any regular session, for the number of days the Legislature is in session, or in adjournment for not more than 3 days, or the maximum number of days for which compensation for a regular session is permitted by the Constitution, whichever is smaller; and

~~{2}~~ (b) During any special session, for the number of days the Legislature is in session or the maximum number of days for which compensation for a special session is permitted by the Constitution, whichever is smaller.

2. On the first day of each term of a Senator or Assemblyman beginning on or after November 8, 2006, the compensation of the office of the Senator or Assemblyman must be increased by an amount equal to the cumulative

*percentage increase in the salaries of the classified employees of this State during the immediately preceding term of that office.”.*

Amend the title of the bill, second line, after “officers;” by inserting: “providing for increases in the salaries of such officers and the compensation of members of the Legislature;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Increases salaries of certain constitutional officers and provides for prospective increases in salaries of such officers and compensation of members of Legislature. (BDR 18-847)”.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 392.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1151.

Amend the bill as a whole by deleting sec. 31 and adding:

“Sec. 31. (Deleted by amendment.)”.

Amend sec. 38, page 24, line 18, by deleting “501(c)” and inserting: “501(c), or by a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS.”.

Amend sec. 38, page 25, by deleting lines 26 through 35.

Amend sec. 45, page 30, by deleting line 1 and inserting:

“Sec. 45. NRS 360.770 and 360.785 are hereby”.

Amend the bill as a whole by deleting sec. 49 and renumbering sections 50 and 51 as sections 49 and 50.

Amend the text of repealed sections by deleting the text of NRS 368A.210.

Amend the title of the bill by deleting the fifth and sixth lines.

Assemblywoman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblywoman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

#### UNFINISHED BUSINESS

#### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Horne, Buckley, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 208.

Mr. Speaker appointed Assemblymen Giunchigliani, Kirkpatrick, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 87.

Mr. Speaker appointed Assemblymen Giunchigliani, Leslie, and Seale as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Joint Resolution No. 5.

Mr. Speaker appointed Assemblymen Conklin, Giunchigliani, and Carpenter as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 64.

Mr. Speaker appointed Assemblymen Parnell, Smith, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 180.

Mr. Speaker appointed Assemblymen Atkinson, Hogan, and Sherer as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 239.

Mr. Speaker appointed Assemblymen Conklin, Pierce, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 260.

Mr. Speaker appointed Assemblymen Horne, Allen, and Manendo as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 290.

Mr. Speaker appointed Assemblymen Parks, Gerhardt, and Weber as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 380.

Mr. Speaker appointed Assemblymen Giunchigliani, Gerhardt, and Mabey as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 555.

REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Conference Committee concerning Senate Bill No. 173, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 797 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. CA4, which is attached to and hereby made a part of this report.

GENIE OHRENSCHALL  
FRANCIS ALLEN  
SUSAN GERHARDT

*Assembly Conference Committee*

MAURICE E. WASHINGTON  
VALERIE WIENER  
DENNIS NOLAN

*Senate Conference Committee*

Conference Amendment No. CA4.

Amend section 1, page 2, line 8, by deleting “\$400,000” and inserting “\$350,000”.

Amend sec. 2, page 3, line 41, by deleting “\$400,000,” and inserting “\$350,000.”



Amend sec. 2, page 4, line 1, by deleting “\$400,000,” and inserting “\$350,000.”

Amend sec. 2, page 4, lines 10, 12 and 15, by deleting “\$400,000” and inserting “\$350,000”.

Amend sec. 4, page 6, line 36, by deleting “\$400,000,” and inserting “\$350,000.”

Amend sec. 4, page 8, by deleting lines 1 through 7 and inserting:

“17. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.”

Amend sec. 5, page 11, line 5, by deleting “\$400,000” and inserting “\$350,000”.

Amend sec. 5, page 12, by deleting lines 1 through 6 and inserting:

“(t) Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.”

Amend sec. 6, page 13, line 24, by deleting “\$400,000,” and inserting “\$350,000.”

Amend sec. 6, page 14, by deleting lines 33 through 39 and inserting:

“17. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.”

Assemblywoman Ohrenschall moved that the Assembly adopt the report of the first Conference Committee concerning Senate Bill No. 173.

Remarks by Assemblywoman Ohrenschall.

Motion carried by a constitutional majority.

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 210.

The following Senate amendment was read:

Amendment No. 897.

Amend the bill as a whole by deleting sections 1 through 10 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“Section 1. The Legislature hereby finds and declares that:

1. Women and members of certain minority groups should be encouraged to obtain the skills and experience necessary to work in the construction industry through employment, apprenticeship programs and training related to the construction industry.

2. The construction industry should take active steps to encourage women and members of certain minority groups to obtain the training and experience necessary to succeed in the construction industry.

3. Upon receiving the training and experience required to succeed in the construction industry, both women and members of certain minority groups and the construction industry will mutually benefit from the greater inclusion of women and members of these groups in the construction industry.

Sec. 2. The Director of the Legislative Counsel Bureau shall prepare and transmit a copy of this act to:

1. The various chambers of commerce, high school vocation programs, community colleges and trade schools in this State;

2. The Association of General Contractors, the Associated Builders and Contractors and any other similar organization representing the construction industry; and

3. Any labor organization which represents workers in the construction industry and any other similar organization representing workers in the construction industry.”

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

“WHEREAS, The men and women who work in the construction industry play a significant role in the growth of the economy of this State; and

WHEREAS, The construction industry in this State is rapidly growing, and the career opportunities for the men and women who work in the construction industry are abundant; and

WHEREAS, Due to the rapid growth of the construction industry in this State, the men and women who work in the construction industry are paid wages that exceed the average wage in this State and have access to other excellent employment benefits; and

WHEREAS, Women and members of certain minority groups are underrepresented in the construction industry as compared to their representation in the population of this State; and

WHEREAS, These women and members of certain minority groups should have access to the excellent wages, benefits and career opportunities available to a person working in the construction industry; and

WHEREAS, The construction industry will greatly benefit from the influx of trained women and members of certain minority groups into the construction industry; now, therefore,”

Amend the title of the bill to read as follows:

“AN ACT relating to employment; encouraging the construction industry and women and members of certain minority groups to take active steps to include women and members of those groups in the construction industry; and providing other matters properly relating thereto.”

Amend the summary of the bill to read as follows:

“SUMMARY—Encourages women and minorities to take advantage of opportunities in construction industry. (BDR S-872)”

Assemblyman Parks moved that the Assembly concur in the Senate amendment to Assembly Bill No. 210.

Remarks by Assemblyman Parks.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 45.

Assemblyman Ocegüera moved the adoption of the resolution.

Remarks by Assemblymen Ocegüera and Sibley.

Resolution adopted.

Senate Concurrent Resolution No. 46.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted.

Assemblyman Ocegüera moved that the Assembly recess until 4:00 p.m.

Motion carried.

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 4:29 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Concurrent Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Concurrent Resolution No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

ELLEN KOIVISTO, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2005

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 98, 109, 249.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 154, Amendment No. 1126; Assembly Bill No. 505, Amendment No. 1012, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 39, Senate Amendment No. 1084, and requests a conference, and appointed Senators Tiffany, Care and Lee as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 195, Senate Amendments Nos. 926, 1094, and requests a conference, and appointed Senators Townsend, Heck and Lee as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 550, Senate Amendments Nos. 953, 1063, and requests a conference, and appointed Senators Nolan, Schneider and Washington as a first Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 519.

MARY JO MONGELLI  
*Assistant Secretary of the Senate*

#### UNFINISHED BUSINESS

##### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Parks, Horne, and Hardy as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 39.

Mr. Speaker appointed Assemblymen Buckley, Conklin, and Allen as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 195.

Mr. Speaker appointed Assemblymen Manendo, Carpenter, and Ocegüera as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 550.

##### INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 519.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:33 p.m.

#### ASSEMBLY IN SESSION

At 4:43 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Parks moved that Senate Bill No. 107 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assembly Concurrent Resolution No. 11.

Resolution read.

The following amendment was proposed by Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 1149.

Amend the resolution, page 2, by deleting line 32 and inserting: “households, veterans, persons with disabilities or special needs, homeless persons, recovering drug abusers, persons suffering from mental health ailments and abused women, with each”.

Amend the resolution, page 3, between lines 10 and 11, by inserting:

“RESOLVED, That local governments are urged to participate in the study by providing information, including, but not limited to, the types of projects the local governments are currently providing to assist persons in locating affordable housing; and be it further”.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Assembly Concurrent Resolution No. 20.

Resolution read.

The following amendment was proposed by Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 1154.

Amend the resolution by deleting lines 1 through 20 on page 1, lines 1 through 45 on page 2 and lines 1 through 27 on page 3, and adding a new resolution to read as follows:

“WHEREAS, The State of Nevada is home to more than 389,939 residents aged 60 years or older; and

WHEREAS, The older Americans of the State of Nevada are a vital part of our nation’s demographic makeup; and

WHEREAS, Older residents are members of our community and are entitled to dignified, independent lives free from fears, myths and misconceptions about aging; and

WHEREAS, Each community in America must strive to recognize the contributions of our older residents, understand and address their evolving needs, and support their caregivers; and

WHEREAS, Our society is dependent upon intergenerational cooperation and support, and benefits from our collective efforts to serve older Americans and the people who love them; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission shall appoint a committee to conduct an interim study concerning issues relating to senior citizens in this State; and be it further

RESOLVED, That the committee must be composed of three members of the Assembly and three members of the Senate; and be it further

RESOLVED, That the study must include, without limitation:

1. An evaluation of state and local governmental services provided to senior citizens in this State and gaps in providing such state and local governmental services; and

2. Consideration of issues relating to senior citizens in this State, including, without limitation:

(a) Health services, including, without limitation, medical, dental and vision services, with a focus on geriatric needs;

(b) Affordable housing, assisted living and long-term care facilities;

(c) The needs of patients suffering from Alzheimer's disease or dementia;

(d) Transportation;

(e) Communication systems;

(f) Independent living and personal assistance; and

(g) Any other issues relevant to the growing needs of senior citizens in this State; and be it further

RESOLVED, That the committee shall solicit the assistance, advice and policy recommendations of senior advocacy groups in conducting the study; and be it further

RESOLVED, That the committee shall recommend legislation to advance the policy recommendations of the senior advocacy groups and to address identified gaps in services provided to senior citizens in this State; and be it further

RESOLVED, That any recommended legislation proposed by the committee must be approved by a majority of the members of the Assembly and a majority of the members of the Senate who are appointed to the committee; and be it further

RESOLVED, That the committee shall submit a report of the results of the study and any recommendations for legislation to the Legislative Commission.”

Amend the title of the resolution by deleting the third and fourth lines and inserting: “conduct an interim study concerning issues relating to senior citizens in this State.”

Amend the summary of the resolution to read as follows:

“SUMMARY—Directs Legislative Commission to appoint committee to conduct interim study concerning issues relating to senior citizens in this State. (BDR R-491)”

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.  
Amendment adopted.  
Resolution ordered reprinted and engrossed.

GENERAL FILE AND THIRD READING

Senate Bill No. 107.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 107:

YEAS—42.

NAYS—None.

Senate Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 347.

Bill read third time.

Roll call on Assembly Bill No. 347:

YEAS—41.

NAYS—McCleary.

Assembly Bill No. 347 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 422.

Bill read third time.

Roll call on Assembly Bill No. 422:

YEAS—38.

NAYS—Angle, Holcomb, Koivisto, McClain—4.

Assembly Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

Bill read third time.

Roll call on Assembly Bill No. 462:

YEAS—30.

NAYS—Angle, Christensen, Claborn, Gansert, Goicoechea, Hardy, Holcomb, Koivisto, Mabey, Manendo, Ohrenschall, Sherer—12.

Assembly Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 554.

Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Giunchigliani moved that Assembly Bill No. 554 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 34.

Bill read third time.

Roll call on Senate Bill No. 34:

YEAS—42.

NAYS—None.

Senate Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 209.

Bill read third time.

Roll call on Senate Bill No. 209:

YEAS—42.

NAYS—None.

Senate Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 392.

Bill read third time.

Roll call on Senate Bill No. 392:

YEAS—41.

NAYS—None.

NOT VOTING—Marvel.

Senate Bill No. 392 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 514.

Bill read third time.

Roll call on Senate Bill No. 514:

YEAS—42.

NAYS—None.

Senate Bill No. 514 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 515.

Bill read third time.

Roll call on Senate Bill No. 515:

YEAS—42.

NAYS—None.



Senate Bill No. 515 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 517.

Bill read third time.

Roll call on Senate Bill No. 517:

YEAS—42.

NAYS—None.

Senate Bill No. 517 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 569, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BARBARA BUCKLEY, *Chairman*

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 569.

Bill read third time.

Roll call on Assembly Bill No. 569:

YEAS—42.

NAYS—None.

Assembly Bill No. 569 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

#### UNFINISHED BUSINESS

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 505.

The following Senate amendment was read:

Amendment No. 1012.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 481.051 is hereby amended to read as follows:

481.051 1. The Director shall direct and supervise all administrative and technical activities of the Department.

2. The Director may organize the Department into various divisions, alter the organization and reassign responsibilities and duties as he deems appropriate.

3. The Director shall:

(a) Formulate the policy of the Department and the various divisions thereof.

(b) Coordinate the activities of the various divisions of the Department.

(c) Adopt such regulations consistent with law as he deems necessary for the operation of the Department and the enforcement of all laws administered by the Department.

4. The Director may appoint vendors to serve as agents of the Department to sell temporary permits. The vendor shall collect the fees for the permits issued pursuant to chapter 706 of NRS and pay them to the Department. The vendor shall guarantee payment by giving a bond in an amount not less than \$25,000, executed by the vendor as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to the State of Nevada. In lieu of a bond, the vendor may deposit with the State Treasurer a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is not available for withdrawal except upon approval of the Director. Upon approval of the Governor, the Director may appoint [inspectors] *employees* of the [Transportation Services Authority] *Public Utilities Commission of Nevada* and personnel of the Nevada Highway Patrol Division of the Department of Public Safety to serve without remuneration as vendors for the purposes of this subsection.

5. The Director may delegate to the officers and employees of the Department such authorities and responsibilities not otherwise delegated by law as he deems necessary for the efficient conduct of the business of the Department.”

Amend the bill as a whole by renumbering sec. 4 as sec. 12 and adding new sections designated sections 5 through 11, following sec. 3, to read as follows:

“Sec. 5. NRS 483.160 is hereby amended to read as follows:

483.160 1. “School bus” means every motor vehicle owned by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity or privately owned and regularly operated for compensation for the transportation of children to or from school or a school activity.

2. “School bus” does not include a passenger car operated under a contract to transport children to and from school, a common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board or the [Transportation Services Authority] *Public Utilities Commission of Nevada* when such a vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada.

Sec. 6. NRS 484.148 is hereby amended to read as follows:

484.148 1. “School bus” means every motor vehicle owned by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a

school activity or privately owned and regularly operated for compensation for the transportation of children to or from school or a school activity.

2. “School bus” does not include a passenger car operated under a contract to transport children to and from school, a common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board or the [Transportation Services Authority] *Public Utilities Commission of Nevada* when such vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada.

Sec. 7. NRS 484.229 is hereby amended to read as follows:

484.229 1. Except as otherwise provided in subsections 2, 3 and 4, the driver of a vehicle which is in any manner involved in an accident on a highway or on premises to which the public has access, if the accident results in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of \$750 or more, shall, within 10 days after the accident, forward a written report of the accident to the Department. Whenever damage occurs to a motor vehicle, the operator shall attach to the accident report an estimate of repairs or a statement of the total loss from an established repair garage, an insurance adjuster employed by an insurer licensed to do business in this State, an adjuster licensed pursuant to chapter 684A of NRS or an appraiser licensed pursuant to chapter 684B of NRS. The Department may require the driver or owner of the vehicle to file supplemental written reports whenever the original report is insufficient in the opinion of the Department.

2. A report is not required from any person if the accident was investigated by a law enforcement agency and the report of the investigating officer contains:

- (a) The name and address of the insurance company providing coverage to each person involved in the accident;
- (b) The number of each policy; and
- (c) The dates on which the coverage begins and ends.

3. The driver of a vehicle subject to the jurisdiction of the Surface Transportation Board or the [Transportation Services Authority] *Public Utilities Commission of Nevada* need not submit in his report the information requested pursuant to subsection 3 of NRS 484.247 until the 10th day of the month following the month in which the accident occurred.

4. A written accident report is not required pursuant to this chapter from any person who is physically incapable of making a report, during the period of his incapacity. Whenever the driver is physically incapable of making a written report of an accident as required in this section and he is not the owner of the vehicle, the owner shall within 10 days after knowledge of the accident make the report not made by the driver.

5. All written reports required in this section to be forwarded to the Department by drivers or owners of vehicles involved in accidents are without prejudice to the person so reporting and are for the confidential use

of the Department or other state agencies having use of the records for accident prevention, except that the Department may disclose to a person involved in an accident or to his insurer the identity of another person involved in the accident when his identity is not otherwise known or when he denies his presence at the accident. The Department may also disclose the name of his insurer and the number of his policy.

6. A written report forwarded pursuant to the provisions of this section may not be used as evidence in any trial, civil or criminal, arising out of an accident except that the Department shall furnish upon demand of any party to such a trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law, and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers. The report may be used as evidence when necessary to prosecute charges filed in connection with a violation of NRS 484.236.

Sec. 8. NRS 484.631 is hereby amended to read as follows:

484.631 1. Tow cars must be equipped with:

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

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

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

2. A citation may be issued to any driver of a tow car who violates any provision of paragraph (a) of subsection 1. The peace officer who issues the citation shall report the violation to the Nevada Highway Patrol or the sheriff of the county or the chief of police of the city in which the roadway is located. If necessary, the Nevada Highway Patrol, sheriff or chief of police shall cause the roadway to be cleaned and shall bill the owner or operator of 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 therefor, the Nevada Highway Patrol, sheriff or chief of police shall report such information to the [Transportation Services Authority,] *Public Utilities Commission of Nevada*, which may take disciplinary action in accordance with the provisions of NRS 706.449.

Sec. 9. NRS 487.038 is hereby amended to read as follows:

487.038 1. Except as otherwise provided in subsections 3 and 4, the owner or person in lawful possession of any real property may, after giving notice pursuant to subsection 2, utilize the services of any tow car operator

subject to the jurisdiction of the [Transportation Services Authority] *Public Utilities Commission of Nevada* to remove any vehicle parked in an unauthorized manner on that property to the nearest public garage or storage yard if:

(a) A sign is displayed in plain view on the property declaring public parking to be prohibited or restricted in a certain manner; and

(b) The sign shows the telephone number of the police department or sheriff's office.

2. Oral notice must be given to the police department or sheriff's office, whichever is appropriate, indicating:

(a) The time the vehicle was removed;

(b) The location from which the vehicle was removed; and

(c) The location to which the vehicle was taken.

3. Any vehicle which is parked in a space designated for the handicapped and is not properly marked for such parking may be removed if notice is given to the police department or sheriff's office pursuant to subsection 2, whether or not a sign is displayed pursuant to subsection 1.

4. The owner or person in lawful possession of residential real property upon which a single-family dwelling is located may, after giving notice pursuant to subsection 2, utilize the services of any tow car operator subject to the jurisdiction of the [Transportation Services Authority] *Public Utilities Commission of Nevada* to remove any vehicle parked in an unauthorized manner on that property to the nearest public garage or storage yard, whether or not a sign is displayed pursuant to subsection 1.

5. All costs incurred, under the provisions of this section, for towing and storage must be borne by the owner of the vehicle, as that term is defined in NRS 484.091.

6. The provisions of this section do not limit or affect any rights or remedies which the owner or person in lawful possession of real property may have by virtue of other provisions of the law authorizing the removal of a vehicle parked on that property.

Sec. 10. NRS 62A.300 is hereby amended to read as follows:

62A.300 "School bus" includes every motor vehicle owned by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity or privately owned and regularly operated for compensation for the transportation of children to or from school or a school activity. The term does not include a passenger car operated under a contract to transport children to and from school, a common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board or the [Transportation Services Authority] *Public Utilities Commission of Nevada* when such a vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada.

Sec. 11. NRS 232.510 is hereby amended to read as follows:

232.510 1. The Department of Business and Industry is hereby created.

2. The Department consists of a Director and the following:

- (a) Consumer Affairs Division.
- (b) Division of Financial Institutions.
- (c) Housing Division.
- (d) Manufactured Housing Division.
- (e) Real Estate Division.
- (f) Division of Insurance.
- (g) Division of Industrial Relations.
- (h) Office of Labor Commissioner.
- (i) Taxicab Authority.
- (j) Nevada Athletic Commission.
- (k) Office of the Nevada Attorney for Injured Workers.
- (l) [Transportation Services Authority.
- (m)] Division of Mortgage Lending.

[(n)] (m) Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute.”

Amend sec. 4, page 4, by deleting lines 21 and 22 and inserting:

“[Transportation Services Authority is the Chairman of the Authority, the Chief of the] Division of Mortgage Lending is”.

Amend the bill as a whole by renumbering sections 5 and 6 as sections 18 and 19 and adding new sections designated sections 13 through 17, following sec. 4, to read as follows:

“Sec. 13. NRS 268.097 is hereby amended to read as follows:

268.097 1. Except as otherwise provided in subsections 2 and 3, notwithstanding the provisions of any local, special or general law, after July 1, 1963, the governing body of any incorporated city in this State, whether incorporated by general or special act, or otherwise, may not supervise or regulate any taxicab motor carrier as defined in NRS 706.126 which is under the supervision and regulation of the [Transportation Services Authority] *Public Utilities Commission of Nevada* pursuant to law.

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

3. The governing body of any incorporated city in any county in which the provisions of NRS 706.8811 to 706.885, inclusive, do not apply, whether incorporated by general or special act, or otherwise, may regulate by ordinance the qualifications required of employees or lessees of a taxicab motor carrier in a manner consistent with the regulations adopted by the [Transportation Services Authority.] *Public Utilities Commission of Nevada*.

Sec. 14. NRS 289.320 is hereby amended to read as follows:

289.320 An employee of the [Transportation Services Authority whom it designates as an inspector or as manager of transportation] *Public Utilities Commission of Nevada* who is employed in a position which the Commission has determined requires a person who is qualified as a peace officer is a peace officer and has police power for the enforcement of the provisions of:

1. Chapters 706 and 712 of NRS and all regulations of the [Transportation Services Authority] *Public Utilities Commission of Nevada* or the Department of Motor Vehicles pertaining thereto; and
2. Chapter 482 of NRS and NRS 483.230, 483.350 and 483.530 to 483.620, inclusive, for the purposes of carrying out the provisions of chapter 706 of NRS.

Sec. 15. NRS 289.470 is hereby amended to read as follows:

289.470 “Category II peace officer” means:

1. The Bailiff of the Supreme Court;
2. The bailiffs of the district courts, justices’ courts and municipal courts whose duties require them to carry weapons and make arrests;
3. Constables and their deputies whose official duties require them to carry weapons and make arrests;
4. [Inspectors employed by the Transportation Services Authority] *Employees of the Public Utilities Commission of Nevada specified in NRS 289.320* who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;
5. Parole and probation officers;
6. Special investigators who are employed fulltime by the office of any district attorney or the Attorney General;
7. Investigators of arson for fire departments who are specially designated by the appointing authority;
8. The assistant and deputies of the State Fire Marshal;
9. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;
10. The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;
11. Investigators for the State Forester Firewarden who are specially designated by him and whose primary duties are related to the investigation of arson;
12. School police officers employed by the board of trustees of any county school district;
13. Agents of the State Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;
14. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

15. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

16. Legislative police officers of the State of Nevada;

17. The personnel of the Capitol Police Division of the Department of Public Safety appointed pursuant to subsection 2 of NRS 331.140;

18. Parole counselors of the Division of Child and Family Services of the Department of Human Resources;

19. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

20. Field investigators of the Taxicab Authority;

21. Security officers employed fulltime by a city or county whose official duties require them to carry weapons and make arrests;

22. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department; and

23. Criminal investigators who are employed by the Secretary of State.

Sec. 16. NRS 338.135 is hereby amended to read as follows:

338.135 Where a truck or truck and trailer combination is rented or leased after April 22, 1969, by a contractor or subcontractor on a public work, the hourly rate for the rental or lease of such truck or truck and trailer combination must, when added to the prevailing rate of wages required by NRS 338.020 for the driver, not be less than the hourly rate for similar vehicles with a driver as such hourly rate appears in freight tariffs approved by the [Transportation Services Authority] *Public Utilities Commission of Nevada* for the area in which the public work is located.

Sec. 17. NRS 362.120 is hereby amended to read as follows:

362.120 1. The Department shall, from the statement filed pursuant to NRS 362.110 and from all obtainable data, evidence and reports, compute in dollars and cents the gross yield and net proceeds of the calendar year immediately preceding the year in which the statement is filed.

2. The gross yield must include the value of any mineral extracted which was:

- (a) Sold;
- (b) Exchanged for any thing or service;
- (c) Removed from the State in a form ready for use or sale; or
- (d) Used in a manufacturing process or in providing a service, during that period.

3. The net proceeds are ascertained and determined by subtracting from the gross yield the following deductions for costs incurred during that period, and none other:



- (a) The actual cost of extracting the mineral.
  - (b) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.
  - (c) The actual cost of reduction, refining and sale.
  - (d) The actual cost of marketing and delivering the mineral and the conversion of the mineral into money.
  - (e) The actual cost of maintenance and repairs of:
    - (1) All machinery, equipment, apparatus and facilities used in the mine.
    - (2) All milling, refining, smelting and reduction works, plants and facilities.
    - (3) All facilities and equipment for transportation except those that are under the jurisdiction of the Public Utilities Commission of Nevada . [or the Transportation Services Authority.]
  - (f) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e).
  - (g) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e). The annual depreciation charge consists of amortization of the original cost in a manner prescribed by regulation of the Nevada Tax Commission. The probable life of the property represented by the original cost must be considered in computing the depreciation charge.
  - (h) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.
  - (i) All money paid as contributions or payments under the unemployment compensation law of the State of Nevada, as contained in chapter 612 of NRS, all money paid as contributions under the Social Security Act of the Federal Government, and all money paid to either the State of Nevada or the Federal Government under any amendment to either or both of the statutes mentioned in this paragraph.
  - (j) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit.
  - (k) All money paid as royalties by a lessee or sublessee of a mine or well, or by both, in determining the net proceeds of the lessee or sublessee, or both.
4. Royalties deducted by a lessee or sublessee constitute part of the net proceeds of the minerals extracted, upon which a tax must be levied against the person to whom the royalty has been paid.
5. Every person acquiring property in the State of Nevada to engage in the extraction of minerals and who incurs any of the expenses mentioned in subsection 3 shall report those expenses and the recipient of any royalty to the Department on forms provided by the Department.
6. The several deductions mentioned in subsection 3 do not include any expenditures for salaries, or any portion of salaries, of any person not actually engaged in:

- (a) The working of the mine;
- (b) The operating of the mill, smelter or reduction works;
- (c) The operating of the facilities or equipment for transportation;
- (d) Superintending the management of any of those operations; or
- (e) The State of Nevada, in office, clerical or engineering work necessary or proper in connection with any of those operations.”.

Amend the bill as a whole by deleting sections 7 through 19 and adding new sections designated sections 20 through 140, following sec. 6, to read as follows:

“Sec. 20. NRS 373.117 is hereby amended to read as follows:

373.117 1. A regional transportation commission, a county whose population is less than 100,000 or an incorporated city within such a county may establish or operate a public transit system consisting of:

- (a) Regular routes and fixed schedules to serve the public;
- (b) Nonemergency medical transportation of persons to facilitate their use of a center as defined in NRS 435.170, if the transportation is available upon request and without regard to regular routes or fixed schedules;
- (c) Nonmedical transportation of disabled persons without regard to regular routes or fixed schedules; or
- (d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

2. A regional transportation commission may lease vehicles to or from or enter into other contracts with a private operator for the provision of such a system.

3. In a county whose population is less than 400,000, such a system may also provide service which includes:

(a) Minor deviations from the regular routes and fixed schedules required by paragraph (a) of subsection 1 on a recurring basis to serve the public transportation needs of passengers. The deviations must not exceed one-half mile from the regular routes.

(b) The transporting of persons other than those specified in paragraph (b), (c) or (d) of subsection 1 upon request without regard to regular routes or fixed schedules, if the service is provided by a common motor carrier which has a certificate of public convenience and necessity issued by the [Transportation Services Authority] *Public Utilities Commission of Nevada* pursuant to NRS 706.386 to 706.411, inclusive, and the service is subject to the rules and regulations adopted by the [Transportation Services Authority] *Public Utilities Commission of Nevada* for a fully regulated carrier.

4. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a regional transportation commission may utilize a turnkey procurement process to select a person to design, build, operate and maintain, or any combination thereof, a fixed guideway system, including, without limitation, any minimum operable segment thereof. The commission shall

determine whether to utilize turnkey procurement for a fixed guideway project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost effective method of constructing the project on schedule and in satisfaction of its transportation objectives.

5. Notwithstanding the provisions of chapter 332 of NRS, a regional transportation commission may utilize a competitive negotiation procurement process to procure rolling stock for a fixed guideway project. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

6. If a commission develops a fixed guideway project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.

7. As used in this section:

(a) “Fully regulated carrier” means a common carrier or contract carrier of passengers or household goods who is required to obtain from the [Transportation Services Authority] *Public Utilities Commission of Nevada* a certificate of public convenience and necessity or a contract carrier’s permit and whose rates, routes and services are subject to regulation by the [Transportation Services Authority.] *Public Utilities Commission of Nevada*.

(b) “Minimum operable segment” means the shortest portion of a fixed guideway system that is technically capable of providing viable public transportation between two end points.

(c) “Public transit system” means a system employing motor buses, rails or any other means of conveyance, by whatever type of power, operated for public use in the conveyance of persons.

(d) “Turnkey procurement” means a competitive procurement process by which a person is selected by a regional transportation commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a fixed guideway system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

Sec. 21. NRS 377A.140 is hereby amended to read as follows:

377A.140 1. Except as otherwise provided in subsection 2, a public transit system in a county whose population is 400,000 or more may, in addition to providing local transportation within the county and the services described in NRS 377A.130, provide:

(a) Programs to reduce or manage motor vehicle traffic; and

(b) Any other services for a public transit system which are requested by the general public,

if those additional services are included and described in a long-range plan adopted pursuant to 23 U.S.C. § 134 and 49 U.S.C. § 5303.

2. Before a regional transportation commission may provide for an on-call public transit system in an area of the county, other than an on-call public transit system that provides the nonemergency medical transportation described in NRS 377A.130, the commission must receive a determination from the [Transportation Services Authority] *Public Utilities Commission of Nevada* that:

(a) There are no common motor carriers of passengers who are authorized to provide on-call operations for transporting passengers in that area; or

(b) Although there are common motor carriers of passengers who are authorized to provide on-call operations for transporting passengers in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, those operations.

3. As used in this section:

(a) “Common motor carrier of passengers” has the meaning ascribed to it in NRS 706.041.

(b) “On-call public transit system” means a system established to transport passengers only upon the request of a person who needs transportation.

Sec. 22. NRS 392.330 is hereby amended to read as follows:

392.330 1. In addition to the purposes authorized by NRS 392.320, a board of trustees may use transportation funds of the school district for:

(a) Arranging and paying for transportation, in accordance with subsection 2, by motor vehicles or otherwise, by contract or such other arrangement as the board of trustees finds most economical, expedient and feasible and for the best interests of the school district.

(b) Purchasing tickets at reduced rates for the transportation of pupils, including, without limitation, homeless pupils, on public buses for use by pupils enrolled in middle school, junior high school and high school to travel to and from school.

2. Transportation may be arranged and contracted for by a board of trustees with:

(a) Any railroad company, [holding a certificate of public convenience and necessity issued by the Public Utilities Commission of Nevada or] bus company or other licensed common carrier holding a certificate of public convenience and necessity issued by the [Transportation Services Authority.] *Public Utilities Commission of Nevada*.

(b) The owners and operators of private automobiles or other private motor vehicles, including parents of pupils who attend school and are entitled to transportation. When required by the board of trustees, every such private automobile or other private motor vehicle regularly transporting pupils must be insured in the amount required by regulation of the State Board against the loss and damage described in subsection 2 of NRS 392.320.

Sec. 23. NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may only be made by an accredited

agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, psychologist, marriage and family therapist, social worker or registered nurse. The agent, officer, physician, psychologist, marriage and family therapist, social worker or registered nurse may:

(a) Without a warrant:

(1) Take an allegedly mentally ill person into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the allegedly mentally ill person to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the [Transportation Services Authority;] *Public Utilities Commission of Nevada*; or

(III) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

only if the agent, officer, physician, psychologist, marriage and family therapist, social worker or registered nurse has, based upon his personal observation of the allegedly mentally ill person, probable cause to believe that the person is a mentally ill person and, because of that illness, is likely to harm himself or others if allowed his liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take an allegedly mentally ill person into custody to allow the applicant for the order to apply for the emergency admission of the allegedly mentally ill person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the allegedly mentally ill person to a public or private mental health facility or hospital for that purpose.

The district court may issue such an order only if it is satisfied that there is probable cause to believe that the allegedly mentally ill person is a mentally ill person and, because of that illness is likely to harm himself or others if allowed his liberty.

2. An application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the allegedly mentally ill person may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. As used in subsection 1, “an accredited agent of the Department” means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

5. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

Sec. 24. NRS 433A.330 is hereby amended to read as follows:

433A.330 1. When any involuntary court admission is ordered under the provisions of this chapter, the involuntarily admitted person, together with the court orders and certificates of the physicians, certified psychologists or evaluation team and a full and complete transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the county who shall:

- (a) Transport the person; or
- (b) Arrange for the person to be transported by:

(1) A system for the nonemergency medical transportation of persons whose operation is authorized by the [Transportation Services Authority;] *Public Utilities Commission of Nevada*; or

(2) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS, to the appropriate public or private mental health facility.

2. No mentally ill person may be transported to the mental health facility without at least one attendant of the same sex or a relative in the first degree of consanguinity or affinity being in attendance.

Sec. 25. NRS 441A.560 is hereby amended to read as follows:

441A.560 1. An application to a health authority for an order of emergency isolation or quarantine of a person or a group of persons alleged to have been infected with or exposed to a communicable disease may only be made by another health authority, a physician, a licensed physician assistant, a registered nurse or a medical facility by submitting the certificate required by NRS 441A.570. Within its jurisdiction, upon application or on its own, subject to the provisions of NRS 441A.500 to 441A.720, inclusive, a health authority may:

- (a) Pursuant to its own order and without a warrant:

(1) Take a person or group of persons alleged to and reasonably believed by the health authority to have been infected with or exposed to a communicable disease into custody in any safe location under emergency isolation or quarantine for testing, examination, observation and the provision of or arrangement for the provision of consensual medical treatment; and

(2) Transport the person or group of persons alleged to and reasonably believed by the health authority to have been infected with or exposed to a communicable disease to a public or private medical facility, a residence or other safe location for that purpose, or arrange for the person or group of persons to be transported for that purpose by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the [Transportation Services Authority;] *Public Utilities Commission of Nevada*; or

(III) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

only if the health authority acting in good faith has, based upon personal observation, its own epidemiological investigation or an epidemiological investigation by another health authority, a physician, a licensed physician assistant or a registered nurse as stated in a certificate submitted pursuant to NRS 441A.570, if such a certificate was submitted, of the person or group of persons alleged to have been infected with or exposed to a communicable disease, a reasonable factual and medical basis to believe that the person or group of persons has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of members of the public who have not been infected with or exposed to the communicable disease.

(b) Petition a district court for an emergency order requiring:

(1) Any health authority or peace officer to take a person or group of persons alleged to have been infected with or exposed to a communicable disease into custody to allow the health authority to investigate, file and prosecute a petition for the involuntary court-ordered isolation or quarantine of the person or group of persons alleged to have been infected with or exposed to a communicable disease in the manner set forth in NRS 441A.500 to 441A.720, inclusive; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport, in accordance with such court order, the person or group of persons alleged to have been infected with or exposed to a communicable disease to a public or private medical facility, a residence or other safe location for that purpose.

2. The district court may issue an emergency order for isolation or quarantine pursuant to paragraph (b) of subsection 1:

(a) Only for the time deemed necessary by the court to allow a health authority to investigate, file and prosecute each petition for involuntary court-ordered isolation or quarantine pursuant to NRS 441A.500 to 441A.720, inclusive; and

(b) Only if it is satisfied that there is probable cause to believe that the person or group of persons alleged to have been infected with or exposed to a communicable disease has been infected with or exposed to a communicable

disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of the public.

Sec. 26. NRS 441A.720 is hereby amended to read as follows:

441A.720 When any involuntary court isolation or quarantine is ordered under the provisions of NRS 441A.500 to 441A.720, inclusive, the involuntarily isolated or quarantined person, together with the court orders, any certificates of the health authorities, physicians, licensed physician assistants or registered nurses, the written summary of the evaluation team and a full and complete transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the appropriate county who must be ordered to:

1. Transport the person; or
2. Arrange for the person to be transported by:

(a) A system for the nonemergency medical transportation of persons whose operation is authorized by the [Transportation Services Authority;] *Public Utilities Commission of Nevada*; or

(b) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

to the appropriate public or private medical facility, residence or other safe location.

Sec. 27. NRS 445B.200 is hereby amended to read as follows:

445B.200 1. The State Environmental Commission is hereby created within the State Department of Conservation and Natural Resources. The Commission consists of:

- (a) The Director of the Department of Wildlife;
  - (b) The State Forester Firewarden;
  - (c) The State Engineer;
  - (d) The Director of the State Department of Agriculture;
  - (e) The Administrator of the Division of Minerals of the Commission on Mineral Resources;
  - (f) A member of the State Board of Health to be designated by that Board;
- and

(g) Five members appointed by the Governor, one of whom is a general engineering contractor or a general building contractor licensed pursuant to chapter 624 of NRS and one of whom possesses expertise in performing mining reclamation.

2. The Governor shall appoint the Chairman of the Commission from among the members of the Commission.

3. A majority of the members constitutes a quorum, and a majority of those present must concur in any decision.

4. Each member who is appointed by the Governor is entitled to receive a salary of not more than \$80, as fixed by the Commission, for each day's attendance at a meeting of the Commission.



5. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. Any person who receives or has received during the previous 2 years a significant portion of his income, as defined by any applicable state or federal law, directly or indirectly from one or more holders of or applicants for a permit required by NRS 445A.300 to 445A.730, inclusive, is disqualified from serving as a member of the Commission. The provisions of this subsection do not apply to any person who receives or has received during the previous 2 years, a significant portion of his income from any department or agency of State Government which is a holder of or an applicant for a permit required by NRS 445A.300 to 445A.730, inclusive.

7. The State Department of Conservation and Natural Resources shall provide technical advice, support and assistance to the Commission. All state officers, departments, commissions and agencies, including the Department of Transportation, the Department of Human Resources, the University and Community College System of Nevada, the State Public Works Board, the Department of Motor Vehicles, the Department of Public Safety, the Public Utilities Commission of Nevada [, the Transportation Services Authority] and the State Department of Agriculture may also provide technical advice, support and assistance to the Commission.

Sec. 28. NRS 565.040 is hereby amended to read as follows:

565.040 1. The Director may declare any part of this State a brand inspection district.

2. After the creation of any brand inspection district as authorized by this chapter, all animals within any such district are subject to brand inspection in accordance with the provisions of this chapter before:

- (a) Consignment for slaughter within any district;
- (b) Any transfer of ownership by sale or otherwise; or
- (c) Removal from the district if the removal is not authorized pursuant to a livestock movement permit issued by the Department.

3. If a brand inspection district is created by the Department pursuant to the provisions of this chapter, the Director shall adopt regulations defining the boundaries of the district and the fees to be collected for brand inspection and prescribing such other methods of procedure not inconsistent with the provisions of this chapter as he considers necessary.

4. Any regulations adopted pursuant to the provisions of this section must be published at least twice in a newspaper having a general circulation in the brand inspection district created by the regulations, and copies of the regulations must be mailed to all common carriers of record with the [Transportation Services Authority] *Public Utilities Commission of Nevada* operating in the brand inspection district. Such publication and notification constitutes legal notice of the creation of the brand inspection district. The expense of advertising and notification must be paid from the Livestock Inspection Account.

Sec. 29. NRS 598A.040 is hereby amended to read as follows:

598A.040 The provisions of this chapter do not apply to:

1. Any labor, agricultural or horticultural organizations organized for the purpose of self-help and not for profit to itself nor to individual members thereof, while lawfully carrying out its legitimate objects.
2. Bona fide religious and charitable activities of any nonprofit corporation, trust or organization established exclusively for religious or charitable purposes.
3. Conduct which is expressly authorized, regulated or approved by:
  - (a) A statute of this State or of the United States;
  - (b) An ordinance of any city or county of this State, except for ordinances relating to community antenna television companies; or
  - (c) An administrative agency of this State or of the United States or of a city or county of this State, having jurisdiction of the subject matter.
4. Conduct or agreements relating to rates, fares, classifications, divisions, allowances or charges, including charges between carriers and compensation paid or received for the use of facilities and equipment, that are authorized, regulated or approved by the [Transportation Services Authority] *Public Utilities Commission of Nevada* pursuant to chapter 706 of NRS.

5. Restrictive covenants:

- (a) Which are part of a contract of sale for a business and which bar the seller of the business from competing with the purchaser of the business sold within a reasonable market area for a reasonable period of time; or
- (b) Which are part of a commercial shopping center lease and which bar the parties from permitting or engaging in the furnishing of certain services or the sale of certain commodities within the commercial shopping center where such leased premises are located.

Sec. 30. NRS 694C.360 is hereby amended to read as follows:

694C.360 Insurance provided by a captive insurer in accordance with this chapter may not be used to satisfy the requirements set forth in chapter 706 of NRS relating to the insurance required to be maintained by vehicles subject to the jurisdiction of the [Transportation Services Authority] *Public Utilities Commission of Nevada* or Taxicab Authority, unless the [Transportation Services Authority] *Public Utilities Commission of Nevada* or Taxicab Authority, as appropriate, specifically approves the use of insurance provided by a captive insurer for that purpose.

Sec. 31. NRS 703.025 is hereby amended to read as follows:

703.025 1. The Commission, by majority vote, shall organize the Commission into sections, alter the organization of the Commission and reassign responsibilities and duties of the sections of the Commission as the Commission deems necessary to provide:

- (a) Advice and guidance to the Commission on economic policies relating to utilities *and transportation services* under the jurisdiction of the

Commission, and the regulation of such utilities [;] *and transportation services;*

(b) Administrative, technical, legal and support services to the Commission; and

(c) For the regulation of utilities governed by the Commission and the services offered by such utilities, including, but not limited to, licensing of such utilities and services and the resolution of consumer complaints.

2. The Commission shall:

(a) Formulate the policies of the various sections of the Commission;

(b) Coordinate the activities of the various sections of the Commission;

(c) If customers are authorized by a specific statute to obtain a competitive, discretionary or potentially competitive utility service, take any actions which are consistent with the statute and which are necessary to encourage and enhance:

(1) A competitive market for the provision of that utility service to customers in this State; and

(2) The reliability and safety of the provision of that utility service within that competitive market; and

(d) Adopt such regulations consistent with law as the Commission deems necessary for the operation of the Commission and the enforcement of all laws administered by the Commission.

3. Before reorganizing the Commission, the Commission shall submit the plan for reorganization to:

(a) The Director of the Legislative Counsel Bureau for transmittal to the appropriate legislative committee and the Interim Finance Committee; and

(b) The Director of the Department of Administration.

Sec. 32. NRS 703.085 is hereby amended to read as follows:

703.085 1. A majority of the Commissioners has full power to act in all matters within the jurisdiction of the Commission.

2. Before the Commission may enter a final order on a matter, there must be at least two Commissioners who are able to act on the matter. If there are fewer than two Commissioners who are able to act on the matter because of disqualifications, illnesses, incapacities, vacancies that have not yet been filled [,] or any other reason, the Governor shall appoint the requisite number of persons to serve as Acting Commissioners in the place of the Commissioners who are unable to act on the matter so that there are at least two persons who are able to act on the matter, whether serving as a Commissioner or an Acting Commissioner. If there are fewer than two Commissioners who are able to act on the matter because of disqualifications, illnesses, incapacities, vacancies that have not yet been filled [,] or any other reason, and the Governor has not appointed the requisite number of persons to serve as Acting Commissioners pursuant to this subsection, the [Deputy] *Transportation Hearing* Commissioner appointed pursuant to subsection 1 of NRS 703.130 may serve as an Acting Commissioner.

3. Before the Governor may appoint a person to serve as an Acting Commissioner in the place of a Commissioner who is unable to act on the matter, the person must be qualified to serve in the office of that Commissioner as if the Governor were appointing the person to fill a vacancy in that office.

4. A person who is appointed or authorized to serve as an Acting Commissioner shall be deemed to be a Commissioner and is entitled to exercise the powers of a Commissioner only in proceedings before the Commission that involve the matter or matters for which the person is appointed or authorized to serve as an Acting Commissioner.

5. A person who is appointed to serve as an Acting Commissioner:

(a) Is subject to all legal requirements and restrictions and enjoys all legal protections and immunities that apply to a Commissioner and to state officers generally while the person is engaged in the business of the Commission as an Acting Commissioner; and

(b) Is entitled to receive, for each day the person is engaged in the business of the Commission as an Acting Commissioner, a salary of \$80 and the per diem allowance and travel expenses provided for state officers and employees generally. The person is not entitled to receive any other compensation for serving as an Acting Commissioner.

6. A person who is appointed to serve as an Acting Commissioner serves at the pleasure of the Governor. The appointment of the person expires:

(a) On the date that the Governor declares that the appointment has expired; or

(b) On the date that the matter or matters for which the person was appointed are no longer pending before the Commission, whichever date occurs earlier.

7. The Governor may reappoint a person to serve as an Acting Commissioner.

Sec. 33. NRS 703.130 is hereby amended to read as follows:

703.130 1. The [Commission] *Governor* shall appoint a [Deputy Commissioner who shall serve in the unclassified service of the State.] *person who has at least 2 years of experience in one or more fields listed in subsection 2 of NRS 703.030 to serve as the Transportation Hearing Commissioner. The Transportation Hearing Commissioner serves for a term of 4 years and shall preside, as assigned by the Chairman, over transportation cases under the jurisdiction of the Commission. The Transportation Hearing Commissioner is not a member of the Commission.*

2. The Commission shall appoint a Secretary who shall perform such administrative and other duties as are prescribed by the Commission. The Commission shall also appoint an Assistant Secretary.

3. The Commission may employ such other clerks, experts, [or] *engineers or other persons* as may be necessary. *Except for persons who are employed in clerical positions, all employees who are assigned duties relating to transportation as described in chapters 706 and 712 of NRS serve*

*in the unclassified service of the State. The Commission may employ peace officers in any position it deems necessary for the regulation of transportation services which are under the jurisdiction of the Commission.*

4. Except as otherwise provided in subsection 5, the Commission:

(a) May appoint one or more hearing officers for a period specified by the Commission to conduct proceedings or hearings that may be conducted by the Commission pursuant to NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705, 708 and 711 of NRS.

(b) *May appoint one or more hearing officers for a period specified by the Commission to conduct proceedings or hearings that may be conducted by the Commission pursuant to chapter 706 of NRS.*

(c) Shall prescribe by regulation the procedure for appealing a decision of a hearing officer to the Commission.

5. The Commission shall not appoint a hearing officer to conduct proceedings or hearings:

(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) In any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an application to clear its deferred accounts.

6. As used in this section, “electric utility” has the meaning ascribed to it in NRS 704.187.

Sec. 34. NRS 703.150 is hereby amended to read as follows:

703.150 The Commission shall supervise and regulate the operation and maintenance of public utilities , *fully regulated carriers* and other persons named and defined in chapters 704, 704A [and] , *706, 708 and 712* of NRS pursuant to the provisions of those chapters.

Sec. 35. NRS 706.072 is hereby amended to read as follows:

706.072 “Fully regulated carrier” means a common carrier or contract carrier of passengers or household goods who is required to obtain from the [Authority] *Commission* a certificate of public convenience and necessity or a contract carrier’s permit and whose rates, routes and services are subject to regulation by the [Authority.] *Commission*.

Sec. 36. NRS 706.085 is hereby amended to read as follows:

706.085 “Household goods” means personal effects and property used or to be used in a dwelling which are part of the equipment or supply of the dwelling and such other similar property as the [Authority] *Commission* may provide by regulation. The term does not include property moving from a factory or store, except property that the householder has purchased with the intent to use in his dwelling and that is transported at the request of, and the transportation charges paid to the carrier by, the householder.

Sec. 37. NRS 706.151 is hereby amended to read as follows:

706.151 1. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter:

(a) Except to the extent otherwise provided in NRS 706.881 to 706.885, inclusive, to confer upon the [Authority] *Commission* the power , and to make it the duty of the [Authority] *Commission*, to regulate fully regulated carriers, operators of tow cars and brokers of regulated services to the extent provided in this chapter and to confer upon the Department of Motor Vehicles the power to license all motor carriers and to make it the duty of the Department of Motor Vehicles and the Department of Public Safety to enforce the provisions of this chapter and the regulations adopted by the [Authority] *Commission* pursuant to it, to relieve the undue burdens on the highways arising by reason of the use of the highways by vehicles in a gainful occupation thereon.

(b) To provide for reasonable compensation for the use of the highways in gainful occupations, and enable the State of Nevada, by using license fees, to provide for the proper construction, maintenance and repair thereof, and thereby protect the safety and welfare of the traveling and shipping public in their use of the highways.

(c) To provide for fair and impartial regulation, to promote safe, adequate, economical and efficient service and to foster sound economic conditions in motor transportation.

(d) To encourage the establishment and maintenance of reasonable charges for:

(1) Intrastate transportation by fully regulated carriers; and

(2) Towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle,

without unjust discriminations against or undue preferences or advantages being given to any motor carrier or applicant for a certificate of public convenience and necessity.

(e) To discourage any practices which would tend to increase or create competition that may be detrimental to the traveling and shipping public or the motor carrier business within this State.

2. All of the provisions of this chapter must be administered and enforced with a view to carrying out the declaration of policy contained in this section.

Sec. 38. NRS 706.1514 is hereby amended to read as follows:

706.1514 [1. A majority of the members of the Authority may exercise all of the power and conduct the business of the Authority relating to common or contract carriers, taxicabs, and the warehousing of household goods as provided in this chapter and chapter 712 of NRS.

2. Except as otherwise provided in this subsection, public hearings must be conducted by one or more members of the Authority.] An administrative proceeding conducted pursuant to [subsection 2 of NRS 706.771] *this chapter* may be conducted by [a] *the Transportation Hearing Commissioner or any other* hearing officer designated by the Chairman of the [Authority.] *Commission. An order of impoundment issued pursuant to NRS 706.476 by*

*such a hearing officer or the Transportation Hearing Commissioner is a final order of the Commission for purposes of judicial review.*

Sec. 39. NRS 706.1515 is hereby amended to read as follows:

706.1515 1. Any common or contract carrier subject to the jurisdiction of the [Authority] *Commission* that elects to maintain its books and records outside the State of Nevada shall, in addition to any other assessment and fees provided for by law, be assessed by the [Authority] *Commission* for an amount equal to the travel expenses and the excess of the out-of-state subsistence allowances over the in-state subsistence allowances, as fixed by NRS 281.160, of members of the [Authority] *Commission* and staff, for investigations, inspections and audits required to be performed outside this State.

2. The assessments provided for by this section must be determined by the [Authority] *Commission* upon the completion of each such investigation, inspection, audit or appearance and are due within 30 days after receipt by the affected common or contract carrier of the notice of assessment.

3. The records of the [Authority] *Commission* relating to the additional costs incurred by reason of the necessary additional travel must be open for inspection by the affected common or contract carrier at any time within the 30-day period.

Sec. 40. NRS 706.1516 is hereby amended to read as follows:

706.1516 1. The *Commission* Transportation [Services Authority] Regulatory Fund is hereby created as a special revenue fund. [All] *Except as otherwise provided in NRS 703.147, all* money collected by the [Authority] *Commission* pursuant to law must be deposited in the State Treasury for credit to the Fund.

2. Money in the Fund may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the [Authority.] *Commission pursuant to this chapter and chapter 712 of NRS.*

(b) Participating in all proceedings relevant to the jurisdiction of the [Authority.] *Commission.*

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the [Authority.] *Commission relating to transportation services set forth in this chapter and chapter 712 of NRS.*

3. All claims against the Fund must be paid as other claims against the State are paid.

4. The [Authority] *Commission* must furnish upon request a statement showing the balance remaining in the Fund as of the close of the preceding fiscal year.

Sec. 41. NRS 706.1517 is hereby amended to read as follows:

706.1517 Employees of the [Authority] *Commission* who are peace officers may carry firearms in the performance of their duties.

Sec. 42. NRS 706.156 is hereby amended to read as follows:

706.156 1. All common and contract motor carriers and brokers are hereby declared to be, to the extent provided in this chapter:

- (a) Affected with a public interest; and
- (b) Subject to NRS 706.011 to 706.791, inclusive.

2. A purchaser or broker of transportation services which are provided by a common motor carrier who holds a certificate of public convenience and necessity may resell those services, in combination with other services and facilities that are not related to transportation, but only in a manner complying with the scope of authority set forth in the certificate of the common motor carrier. The [Authority] *Commission* shall not prohibit or restrict such a purchaser or broker from reselling those transportation services to any person based upon that person's affiliation, or lack of affiliation, with any group.

Sec. 43. NRS 706.166 is hereby amended to read as follows:

706.166 The [Authority] *Commission* shall:

1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate:

(a) Every fully regulated carrier and broker of regulated services in this State in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.

(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive.

2. Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

3. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the [Authority] *Commission* or the Department by:

- (a) Providing training in safety;
- (b) Reviewing and observing the programs or inspections of the carrier relating to safety; and
- (c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

- (a) Fares of fully regulated carriers;
- (b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;



- (c) Classifications;
- (d) Divisions;
- (e) Allowances; and

(f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

[5. Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.]

Sec. 44. NRS 706.167 is hereby amended to read as follows:

706.167 1. Each fully regulated carrier, operator of a tow car and common or contract carrier regulated by the [Authority] *Commission* shall:

(a) Keep uniform and detailed accounts of all business transacted in the manner required by the [Authority] *Commission* by regulation and render them to the [Authority] *Commission* upon its request.

(b) Furnish an annual report to the [Authority] *Commission* in the form and detail that it prescribes by regulation.

The regulations of the [Authority] *Commission* may not require an operator of a tow car to keep accounts and report information concerning towing services other than information that is necessary to permit the [Authority] *Commission* to enforce the provisions of NRS 706.011 to 706.791, inclusive.

2. Except as otherwise provided in subsection 3, the reports required by this section must be prepared for each calendar year and submitted not later than May 15 of the year following the year for which the report is submitted.

3. A carrier may, with the permission of the [Authority,] *Commission*, prepare the reports required by this section for a year other than a calendar year that the [Authority] *Commission* specifies and submit them not later than a date specified by the [Authority] *Commission* in each year.

4. If the [Authority] *Commission* finds that necessary information is not contained in a report submitted pursuant to this section, it may call for the omitted information at any time.

Sec. 45. NRS 706.1675 is hereby amended to read as follows:

706.1675 Every annual report, record or statement required [by law] pursuant to this chapter to be made to the [Authority] *Commission* must be submitted under oath by the proper officer, agent or person responsible for submitting the report, record or statement.

Sec. 46. NRS 706.168 is hereby amended to read as follows:

706.168 The authority of the [Transportation Services Authority] *Commission* to supervise and regulate motor carriers and brokers respectively, to the extent provided in this chapter, must be exercised separately. A motor carrier is responsible only for his own acts and those of

his employees or agents who are not brokers. A broker is responsible only for his own acts and those of his employees or agents who are not motor carriers.

Sec. 47. NRS 706.171 is hereby amended to read as follows:

706.171 1. The [Authority,] *Commission*, the Department of Motor Vehicles and the Department of Public Safety may:

(a) Make necessary and reasonable regulations governing the administration and enforcement of the provisions of this chapter for which they are each responsible.

(b) Adopt by reference any appropriate rule or regulation, as it exists at the time of adoption, issued by the United States Department of Transportation, the Surface Transportation Board, any other agency of the Federal Government or the National Association of Regulatory Utility Commissioners.

(c) Require such reports and the maintenance of such records as they determine to be necessary for the administration and enforcement of this chapter.

(d) Except as otherwise provided in this section, examine, at any time during the business hours of the day, the books, papers and records of any fully regulated carrier [,] and of any other common, contract or private motor carrier doing business in this State to the extent necessary for their respective duties. The [Authority,] *Commission*, the Department of Motor Vehicles and the Department of Public Safety may examine in other states or require by subpoena the production inside this State of such books, papers and records as are not maintained in this State.

(e) Temporarily waive any requirement for a certificate or permit when an emergency exists as defined in NRS 706.561.

2. No personnel records of an employee of a fully regulated carrier [,] or of any other common, contract or private motor carrier may be examined pursuant to paragraph (d) of subsection 1 unless the records contain information relating to a matter of public safety or the [Authority,] *Commission*, the Department of Motor Vehicles and the Department of Public Safety determine that the examination is required to protect the interests of the public.

3. The Department of Motor Vehicles may adopt regulations to ensure the payment of any fee due or authorized pursuant to the provisions of this chapter.

4. As used in this section, “personnel records” does not include:

- (a) The name of the employee who is the subject of the record;
- (b) The gross compensation and perquisites of the employee;
- (c) Any record of the business expenses of the employee;
- (d) The title or any description of the position held by the employee;
- (e) The qualifications required for the position held by the employee;
- (f) The business address of the employee;
- (g) The telephone number of the employee at his place of business;
- (h) The work schedule of the employee;

- (i) The date on which the employee began his employment; and
- (j) If applicable, the date on which the employment of the employee was terminated.

Sec. 48. NRS 706.1715 is hereby amended to read as follows:

706.1715 [1. The Attorney General shall:

(a) Act as counsel and attorney for the Authority in all actions, proceedings and hearings.

(b) Prosecute in the name of the Transportation Services Authority all civil actions for the enforcement of this chapter and for the recovery of any penalty or forfeiture provided for therein.

(c) Generally aid the Authority in the performance of its duties and the enforcement of this chapter.

2. ] The Attorney General or any district attorney may prosecute any violation of this chapter or chapter 712 of NRS for which a criminal penalty is provided.

Sec. 49. NRS 706.1717 is hereby amended to read as follows:

706.1717 The [Authority] *Commission* may, in carrying out its duties [:] *pursuant to this chapter*:

1. Cooperate with the Federal Government and its departments and agencies.

2. Confer with the regulatory agencies of other states on matters of mutual concern and benefit to persons served by motor carriers of this State.

3. Use the services, records, facilities and cooperation of federal and state regulatory agencies, and hold joint hearings and participate in joint conferences to reach decisions in matters that require cooperation. All necessary expenses incurred in attending hearings and conferences outside this State are a charge against the State and must be paid as other claims against the State are paid.

Sec. 50. NRS 706.172 is hereby amended to read as follows:

706.172 1. Except as otherwise provided in subsection 2, any member of the [Authority] *Commission* or any officer or employee of the [Authority] *Commission* who is designated by the [Authority] *Commission* may examine , during [the] regular business hours , the books, accounts, records, minutes, papers and property of any person who is regulated by the [Authority] *Commission pursuant to this chapter* and who does business in this State, whether or not the book, account, record, minutes, paper or property is located within this State.

2. No personnel records of an employee may be examined pursuant to subsection 1 unless the records contain information relating to a matter of public safety or the [Authority] *Commission* determines that the examination is required to protect the interests of the public.

3. As used in this section, “personnel records” does not include:

- (a) The name of the employee who is the subject of the record;
- (b) The gross compensation and perquisites of the employee;
- (c) Any record of the business expenses of the employee;

- (d) The title or any description of the position held by the employee;
- (e) The qualifications required for the position held by the employee;
- (f) The business address of the employee;
- (g) The telephone number of the employee at his place of business;
- (h) The work schedule of the employee;
- (i) The date on which the employee began his employment; and
- (j) If applicable, the date on which the employment of the employee was terminated.

Sec. 51. NRS 706.1725 is hereby amended to read as follows:

706.1725 1. Any books, accounts, records, minutes, papers and property of any carrier that are subject to examination pursuant to NRS [706.1518 and] 706.172, and are made available to the [Authority,] *Commission*, any officer or employee of the [Authority,] *Commission* or any other person under the condition that the disclosure of such information to the public be withheld or otherwise limited, must not be disclosed to the public unless the [Authority] *Commission* first determines that the disclosure is justified.

2. The [Authority] *Commission* shall take such actions as are necessary to protect the confidentiality of such information, including, without limitation:

- (a) Granting such protective orders as it deems necessary; and
- (b) Holding closed hearings to receive or examine such information.

3. If the [Authority] *Commission* closes a hearing to receive or examine such information, it shall:

- (a) Restrict access to the records and transcripts of such hearings without the prior approval of the [Authority] *Commission* or an order of a court of competent jurisdiction authorizing access to the records or transcripts; and
- (b) Prohibit any participant at such a hearing from disclosing such information without the prior authorization of the [Authority.] *Commission*.

4. The [Authority] *Commission* shall consider in an open meeting whether the information reviewed or examined in a closed hearing may be disclosed without revealing the confidential subject matter of the information. To the extent the [Authority] *Commission* determines the information may be disclosed, the information must become a part of the records available to the public. Information that the [Authority] *Commission* determines may not be disclosed must be kept under seal.

Sec. 52. NRS 706.173 is hereby amended to read as follows:

706.173 1. The [Authority,] *Commission*, the Department of Motor Vehicles or the Department of Public Safety may, by regulation applicable to common, contract and private motor carriers of passengers and property, adopt standards for safety for drivers and vehicles.

2. The Department of Motor Vehicles or the Department of Public Safety may, by regulation applicable to all motor vehicles transporting hazardous materials, adopt standards for the transportation of hazardous materials and hazardous waste as defined in NRS 459.430.

Sec. 53. NRS 706.197 is hereby amended to read as follows:

706.197 1. The [Authority] *Commission* may collect fees for the filing of any official document required by this chapter or by a regulation of the [Authority.] *Commission*.

2. Filing fees may not exceed:

(a) For applications, *in addition to any amount required pursuant to paragraph (b) of subsection 5 of NRS 706.391*, \$200.

(b) For petitions seeking affirmative relief, \$200.

(c) For each tariff page that requires public notice and is not attached to an application, \$10. If more than one page is filed at one time, the total fee may not exceed the cost of notice and publication.

(d) For all other documents that require public notice, \$10.

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

4. The [Authority] *Commission* may not charge any fee for filing a complaint. *The provisions of this subsection do not prohibit the Commission from ordering the payment of an assessment concerning a complaint pursuant to NRS 706.286.*

Sec. 54. NRS 706.201 is hereby amended to read as follows:

706.201 To the extent that such costs cannot be paid for from the *Commission* Transportation [Services Authority] Regulatory Fund, the costs of administration of this chapter must be paid from the State Highway Fund on claims presented by the [Authority] *Commission* or the Department, approved by the State Board of Examiners.

Sec. 55. NRS 706.226 is hereby amended to read as follows:

706.226 No common, contract or private motor carrier may operate on any highway [nor any broker of regulated services] *or* engage in business in this State except in accordance with the provisions of this chapter.

Sec. 56. NRS 706.231 is hereby amended to read as follows:

706.231 Sheriffs and all other peace officers and traffic officers of this State are charged with the duty, without further compensation, of assisting in the enforcement of this chapter. They shall make arrests for this purpose when requested by an authorized agent of the Department of Motor Vehicles, the Department of Public Safety, the [Authority] *Commission* or other competent authority.

Sec. 57. NRS 706.246 is hereby amended to read as follows:

706.246 Except as otherwise provided in NRS 706.235:

1. A common or contract motor carrier shall not permit or require a driver to drive or tow any vehicle revealed by inspection or operation to be in such condition that its operation would be hazardous or likely to result in a breakdown of the vehicle, and a driver shall not drive or tow any vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown of the vehicle. If, while any vehicle is being operated on a highway, it is discovered to be in

such an unsafe condition, it may be continued in operation, except as further limited by subsection 2, only to the nearest place where repairs can safely be effected, and even that operation may be conducted only if it is less hazardous to the public than permitting the vehicle to remain on the highway.

2. A common or contract motor carrier or private motor carrier shall not permit or require a driver to drive or tow, and a driver shall not drive or tow, any vehicle which:

(a) By reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown; and

(b) Has been declared “out of service” by an authorized employee of the [Authority,] *Commission*, the Department of Motor Vehicles or the Department of Public Safety.

When the repairs have been made, the carrier shall so certify to the [Authority] *Commission* or the department that declared the vehicle “out of service,” as required by the [Authority] *Commission* or that department.

Sec. 58. NRS 706.251 is hereby amended to read as follows:

706.251 1. Every person operating a vehicle used by any motor carrier under the jurisdiction of the [Authority] *Commission* shall forthwith report each accident occurring on the public highway, wherein the vehicle may have injured the person or property of some person other than the person or property carried by the vehicle, to the sheriff or other peace officer of the county where the accident occurred. If the accident immediately or proximately causes death, the person in charge of the vehicle, or any officer investigating the accident, shall furnish to the [Authority] *Commission* such detailed report thereof as required by the [Authority.] *Commission*.

2. All accident reports required in this section must be filed in the office of the [Authority] *Commission* and there preserved. An accident report made as required by this chapter, or any report of the [Authority] *Commission* made pursuant to any accident investigation made by it, is not open to public inspection and must not be disclosed to any person, except upon order of the [Authority.] *Commission*. The reports must not be admitted as evidence or used for any purpose in any action for damages growing out of any matter mentioned in the accident report or report of any such investigation.

Sec. 59. NRS 706.256 is hereby amended to read as follows:

706.256 The [Authority] *Commission* may, in the interest of safety or service, after hearing:

1. Determine and order repairs of facilities of common and contract motor carriers; and

2. Order the use of safety appliances by such carriers in the interest of the public and employees.

Sec. 60. NRS 706.266 is hereby amended to read as follows:

706.266 It is unlawful for any common, contract or private motor carrier to operate as a motor carrier of intrastate commerce within this State without having furnished to the [Authority] *Commission* the following:

1. Where a person does not hold a certificate of public convenience and necessity or a permit to operate as a common or contract motor carrier in the State of Nevada, an affidavit certifying that the person intends to operate as a private carrier.

2. Such other information as the [Authority] *Commission* may request.

Sec. 61. NRS 706.281 is hereby amended to read as follows:

706.281 1. In addition to any identifying device provided for in this chapter, each motor vehicle within the provisions of NRS 706.011 to 706.791, inclusive, must have the name of the person or operator operating the vehicle prominently and conspicuously displayed on both sides of the vehicle in such location, size and style as may be specified by the [Authority.] *Commission*. The display shall not be deemed advertising for the purposes of NRS 706.285 unless additional information about the operator is included.

2. This section does not apply to motor vehicles:

(a) Weighing 10,000 pounds or less operated by private carriers and not operated in combination with any other vehicle.

(b) Operated by an employer for the transportation of his employees, whether or not the employees pay for the transportation.

Sec. 62. NRS 706.282 is hereby amended to read as follows:

706.282 1. Each fully regulated carrier that advertises its services shall provide to the person who broadcasts, publishes, displays or distributes that advertisement the name, street address and telephone number of the natural person who requested the advertisement on behalf of the fully regulated carrier.

2. A person who broadcasts, publishes, displays or distributes the advertisement of a fully regulated carrier shall, within 3 days after he receives a written request from the [Authority,] *Commission*, provide to the [Authority] *Commission* the name, street address and telephone number of the natural person who requested the advertisement if such information is readily available.

Sec. 63. NRS 706.285 is hereby amended to read as follows:

706.285 All advertising by:

1. A fully regulated carrier of intrastate commerce; and

2. An operator of a tow car,

↪ must include the number of the certificate of public convenience and necessity or contract carrier's permit issued to him by the [Authority.] *Commission*.

Sec. 64. NRS 706.2855 is hereby amended to read as follows:

706.2855 1. If the [Authority] *Commission* finds, after notice and hearing, that a person has violated NRS 706.285, the [Authority] *Commission* may, in addition to any penalty, punishment or disciplinary action authorized by this chapter, petition a court of competent jurisdiction for an injunction prohibiting the person from continuing to:

(a) Engage in advertising that violates the provisions of NRS 706.285; or

(b) Use any telephone number mentioned in such advertising for any purpose.

2. If the court finds that the respondent has engaged in advertising that is unlawful pursuant to NRS 706.285, the court shall:

(a) Enjoin him from continuing the advertising.

(b) Enjoin him from using the telephone number mentioned in the advertising for any purpose.

(c) Issue an order that requires the telephone number mentioned in the advertising to be disconnected.

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

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

(a) A public utility furnishing telephone service.

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

Sec. 65. NRS 706.286 is hereby amended to read as follows:

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

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

(b) Any of the provisions of NRS 706.445 to 706.453, inclusive, have been violated;

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

(d) Any service is inadequate,

the [Authority] *Commission* shall investigate the complaint. After receiving the complaint, the [Authority] *Commission* shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the [Authority] *Commission* with its written response to the complaint according to the regulations of the [Authority.] *Commission*.

2. If the [Authority] *Commission* determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.



4. *In the final order concerning the complaint, the Commission may order the payment of an assessment of costs against the complainant based on the merits of the complaint and the findings of the Commission.*

Sec. 66. NRS 706.2865 is hereby amended to read as follows:

706.2865 1. When, in any matter pending before the [Authority,] *Commission pursuant to this chapter*, a hearing is required by law, or is normally required by the [Authority, the Authority] *Commission, the Commission* shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The [Authority] *Commission* shall by regulation specify:

(a) The manner of giving notice; and  
(b) Where not specified by law, the persons entitled to notice in each type of proceeding.

2. Unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the [Authority] *Commission* a request that the hearing be held, the [Authority] *Commission* may dispense with a hearing and act upon the matter pending.

3. If a request for a hearing is filed, the [Authority] *Commission* shall give at least 10 days' notice of the hearing.

4. If an operator of a tow car files an application for a certificate of public convenience and necessity or an application to transfer a certificate of public convenience and necessity with the [Authority, the Authority] *Commission, the Commission* shall give notice pursuant to the provisions of subsection 1.

Sec. 67. NRS 706.2873 is hereby amended to read as follows:

706.2873 [1.] A complete record must be kept of all hearings before the [Authority,] *Commission*, and all testimony must be taken down by the stenographer appointed by the [Authority,] *Commission* or, under the direction of any competent person appointed by the [Authority,] *Commission*, reported by sound recording equipment in the manner authorized for reporting testimony in district courts. The testimony reported by a stenographer must be transcribed and filed with the record in the matter. The [Authority] *Commission* may by regulation provide for the transcription or safekeeping of sound recordings. The costs of recording and transcribing testimony at any hearing, except those hearings ordered pursuant to NRS 706.286, must be paid by the applicant. If a complaint is made pursuant to NRS 706.286 by a customer or by a political subdivision of this State or a municipal organization, the complainant is not liable for any costs. Otherwise, if there are several applicants or parties to any hearing, the [Authority] *Commission* 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.

3. A copy of the proceedings and testimony must be furnished to any party, on payment of a reasonable amount, to be fixed by the 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. 68. NRS 706.2875 is hereby amended to read as follows:

706.2875 1. Any party is entitled to an order by the [Authority] *Commission* for the appearance of witnesses or the production of books, papers and documents containing material testimony.

2. Witnesses appearing upon the order of the [Authority] *Commission* are entitled to the same fees and mileage as witnesses in civil actions in the courts of this State, and the fees and mileage must be paid out of the State Treasury in the same manner as other claims against the State are paid. No fees or mileage may be allowed unless the Chairman of the [Authority] *Commission* certifies the correctness of the claim.

Sec. 69. NRS 706.288 is hereby amended to read as follows:

706.288 The [Authority] *Commission* may require, by order to be served on any person regulated by the [Authority] *Commission pursuant to this chapter* in the same manner as a subpoena in a civil action, the production at a time and place designated by the [Authority] *Commission* of any books, accounts, papers or records kept by the person in any office or place outside this State, or verified copies in lieu thereof if the [Authority] *Commission* so directs, so that an examination may be made by the [Authority] *Commission* or under its direction, or for use as testimony.

Sec. 70. 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.

2. The [Authority] *Commission* may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, for a period not to exceed 60 days.

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

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 71. NRS 706.291 is hereby amended to read as follows:

706.291 1. The [Authority] *Commission* shall require every fully regulated carrier and every operator of a tow car, within such time and in such amounts as the [Authority] *Commission* may designate, to file with the [Authority] *Commission*, in a form required and approved by the [Authority] *Commission*, a liability insurance policy, or a certificate of insurance in lieu thereof, or a bond of a surety company, or other surety, in such reasonable sum as the [Authority] *Commission* may deem necessary to protect adequately the interests of the public.

2. The Department shall require every other common and contract motor carrier and every private carrier, within such time and in such amounts as the Department may designate, to file with the Department, in a form required and approved by the Department, a liability insurance policy, or a certificate of insurance in lieu thereof, a bond of a surety company, or other surety, in such reasonable sum as the Department may deem necessary to protect adequately the interests of the public. In determining the amount of liability insurance or other surety required of a carrier pursuant to this subsection, the Department shall create a separate category for vehicles with a manufacturer's gross vehicle weight rating of less than 26,000 pounds and impose a lesser requirement with respect to such vehicles.

3. The liability insurance policy or certificate, policy or bond of a surety company or other surety must bind the obligors thereunder to pay the compensation for injuries to persons or for loss or damage to property resulting from the negligent operation of the carrier.

4. The [Authority] *Commission* and the Department may jointly prescribe by regulation the respective amounts and forms required by subsections 1 and 2.

Sec. 72. NRS 706.296 is hereby amended to read as follows:

706.296 Every common and contract motor carrier who engages in transportation intrastate and the collection of the purchase price of goods sold by the shipper to the consignee shall provide a bond, to be filed with the [Authority,] *Commission*, for the benefit of the shipper in an amount which the [Authority] *Commission* deems reasonably sufficient as an aggregate but not to exceed \$1,000, to insure the shipper against any loss of the moneys so collected by the carrier through misappropriation, negligence or other defalcations.

Sec. 73. NRS 706.303 is hereby amended to read as follows:

706.303 The [Authority] *Commission* shall adopt regulations requiring all operators of horse-drawn vehicles subject to its regulation and supervision to maintain a contract of insurance against liability for injury to persons and damage to property for each such vehicle. The amounts of coverage required by the regulations:

1. Must not exceed a total of:

(a) For bodily injury to or the death of one person in any one accident, \$250,000;

(b) Subject to the limitations of paragraph (a), for bodily injury to or death of two or more persons in any one accident, \$500,000; and

(c) For injury to or destruction of property in any one accident, \$50,000;  
or

2. Must not exceed a combined single-limit for bodily injury to one or more persons and for injury to or destruction of property in any one accident, \$500,000.

Sec. 74. NRS 706.305 is hereby amended to read as follows:

706.305 The [Authority] *Commission* shall adopt regulations requiring all operators of taxicabs subject to its regulation and supervision to maintain a contract of insurance against liability for injury to persons and damage to property for each taxicab. The amounts of coverage required by the regulations:

1. Must not exceed a total of:

(a) For bodily injury to or the death of one person in any one accident, \$250,000;

(b) Subject to the limitations of paragraph (a), for bodily injury to or death of two or more persons in any one accident, \$500,000; and

(c) For injury to or destruction of property in any one accident, \$50,000;  
or

2. Must not exceed a combined single-limit for bodily injury to one or more persons and for injury to or destruction of property in any one accident, \$500,000.

Sec. 75. NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every common or contract motor carrier shall file with the [Authority:] *Commission*:

(a) Within a time to be fixed by the [Authority,] *Commission*, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive.

2. Every operator of a tow car shall file with the [Authority:] *Commission*:

(a) Within a time to be fixed by the [Authority,] *Commission*, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates and charges for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the

owner to operate the vehicle which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive.

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the [Authority,] *Commission*, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The [Authority,] *Commission*, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the [Authority] *Commission* 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the [Authority.] *Commission*.

4. The [Authority] *Commission* may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant to this section and, after hearing, by order, *may* make such changes as may be just and reasonable.

5. The [Authority] *Commission* may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the [Authority] *Commission* are in force, and are prima facie lawful, from the date of the order until changed or modified by the [Authority, or pursuant to NRS 706.2883.] *Commission*.

7. All regulations, practices and service prescribed by the [Authority] *Commission* must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the [Authority] *Commission* itself upon satisfactory showing made.

Sec. 76. NRS 706.323 is hereby amended to read as follows:

706.323 1. Except as otherwise provided in subsection 2, the [Authority] *Commission* may not investigate, suspend, revise or revoke any rate that is subject to the approval of the [Authority] *Commission* pursuant to NRS 706.321 and proposed by a common motor carrier or contract motor carrier because the rate is too high or too low and therefore unreasonable if:

(a) The motor carrier notifies the [Authority] *Commission* that it wishes to have the rate reviewed by the [Authority] *Commission* pursuant to this subsection; and

(b) The rate resulting from all increases or decreases within 1 year is not more than 10 percent above or 10 percent below the rate in effect 1 year before the effective date of the proposed rate.

2. This section does not limit the authority of the [Transportation Services Authority] *Commission* to investigate, suspend, revise or revoke a proposed rate if the rate would violate the provisions of NRS 706.151.

Sec. 77. NRS 706.326 is hereby amended to read as follows:

706.326 1. Whenever there is filed with the [Authority] *Commission* pursuant to NRS 706.321 any schedule or tariff stating a new or revised individual or joint rate, fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge, or any schedule or tariff resulting in a discontinuance, modification or restriction of service, the [Authority] *Commission* may commence an investigation or, upon reasonable notice, hold a hearing concerning the propriety of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice.

2. Pending the investigation or hearing and the decision thereon, the [Authority,] *Commission*, upon delivering to the common or contract motor carrier affected thereby a statement in writing of its reasons for the suspension, may suspend the operation of the schedule or tariff and defer the use of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice, but not for a longer period than 150 days beyond the time when the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.

3. After full investigation or hearing, whether completed before or after the date upon which the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect, the [Authority] *Commission* may make such order in reference to the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.

4. The [Authority] *Commission* shall determine whether it is necessary to hold a hearing to consider the proposed change in any schedule stating a new or revised individual or joint rate, fare or charge. In making that determination, the [Authority] *Commission* shall consider all timely written protests, any presentation the staff of the [Authority] *Commission* may desire to present, the application and any other matters deemed relevant by the [Authority.] *Commission*.

Sec. 78. NRS 706.331 is hereby amended to read as follows:

706.331 1. If, after due investigation and hearing, any authorized rates, tolls, fares, charges, schedules, tariffs, joint rates or any regulation, measurement, practice, act or service that is subject to the approval of the [Authority] *Commission* is complained of and is found to be unjust,

unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of the provisions of this chapter, or if it is found that the service is inadequate, or that any reasonable service cannot be obtained, the [Authority] *Commission* may substitute therefor such other rates, tolls, fares, charges, tariffs, schedules or regulations, measurements, practices, service or acts and make an order relating thereto as may be just and reasonable.

2. When complaint is made of more than one matter, the [Authority] *Commission* may order separate hearings upon the several matters complained of at such times and places as it may prescribe.

3. No complaint may at any time be dismissed because of the absence of direct damage to the complainant.

4. The [Authority] *Commission* may at any time, upon its own motion, investigate any of the matters listed in subsection 1 [,] and, after a full hearing, by order, make such changes as may be just and reasonable, the same as if a formal complaint had been made.

Sec. 79. NRS 706.341 is hereby amended to read as follows:

706.341 1. An operator of a tow car shall, in the manner prescribed by the [Authority,] *Commission*, notify the [Authority] *Commission* if the operator discontinues providing towing services from an operating terminal or establishes a new operating terminal from which a tow car provides towing services within 30 days after the operator discontinues providing towing services from an operating terminal or commences operations at the new terminal.

2. A common motor carrier, other than an operator of a tow car, authorized to operate by NRS 706.011 to 706.791, inclusive, shall not discontinue any service established pursuant to the provisions of NRS 706.011 to 706.791, inclusive, and all other laws relating thereto and made applicable thereto by NRS 706.011 to 706.791, inclusive, without an order of the [Authority] *Commission* granted only after public notice or hearing in the event of protest.

Sec. 80. NRS 706.346 is hereby amended to read as follows:

706.346 1. Except as otherwise provided in subsection 3, a copy, or so much of the schedule or tariff as the [Authority] *Commission* determines necessary for the use of the public, must be printed in plain type and posted in every office of a common motor carrier where payments are made by customers or users, open to the public, in such form and place as to be readily accessible to the public and conveniently inspected.

2. Except as otherwise provided in subsection 3, when a schedule or tariff of joint rates or charges is or may be in force between two or more common motor carriers or between any such carrier and a public utility, the schedule or tariff must be printed and posted in the manner prescribed in subsection 1.

3. Only the rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate

the vehicle must be printed and posted by an operator of a tow car pursuant to subsections 1 and 2.

Sec. 81. NRS 706.351 is hereby amended to read as follows:

706.351 1. It is unlawful for:

(a) A fully regulated carrier to furnish any pass, frank, free or reduced rates for transportation to any state, city, district, county or municipal officer of this State or to any person other than those specifically enumerated in this section.

(b) Any person other than those specifically enumerated in this section to receive any pass, frank, free or reduced rates for transportation.

2. This section does not prevent the carriage, storage or hauling free or at reduced rates of passengers or property for charitable organizations or purposes for the United States, the State of Nevada or any political subdivision thereof.

3. This chapter does not prohibit a fully regulated common carrier from giving free or reduced rates for transportation of persons to:

(a) Its own officers, commission agents or employees, or members of any profession licensed under title 54 of NRS retained by it, and members of their families.

(b) Inmates of hospitals or charitable institutions and persons over 60 years of age.

(c) Persons who are physically handicapped or mentally handicapped and who present a written statement from a physician to that effect.

(d) Persons injured in accidents or wrecks and physicians and nurses attending such persons.

(e) Persons providing relief in cases of common disaster.

(f) Attendants of livestock or other property requiring the care of an attendant, who must be given return passage to the place of shipment, if there is no discrimination among shippers of a similar class.

(g) Officers, agents, employees or members of any profession licensed under title 54 of NRS, together with members of their families, who are employed by or affiliated with other common carriers, if there is an interchange of free or reduced rates for transportation.

(h) Indigent, destitute or homeless persons when under the care or responsibility of charitable societies, institutions or hospitals, together with the necessary agents employed in such transportation.

(i) Students of institutions of learning, including, without limitation, homeless students, whether the free or reduced rate is given directly to a student or to the board of trustees of a school district on behalf of a student.

(j) Groups of persons participating in a tour for a purpose other than transportation.

4. This section does not prohibit common motor carriers from giving free or reduced rates for the transportation of property of:



(a) Their officers, commission agents or employees, or members of any profession licensed under title 54 of NRS retained by them, or pensioned or disabled former employees, together with that of their dependents.

(b) Witnesses attending any legal investigations in which such carriers are interested.

(c) Persons providing relief in cases of common disaster.

(d) Charitable organizations providing food and items for personal hygiene to needy persons or to other charitable organizations within this State.

5. This section does not prohibit the [Authority] *Commission* from establishing reduced rates, fares or charges for specified routes or schedules of any common motor carrier providing transit service if the reduced rates, fares or charges are determined by the [Authority] *Commission* to be in the public interest.

6. Only fully regulated common carriers may provide free or reduced rates for the transportation of passengers or household goods, pursuant to the provisions of this section.

7. As used in this section, “employees” includes:

(a) Furloughed, pensioned and superannuated employees.

(b) Persons who have become disabled or infirm in the service of such carriers.

(c) Persons who are traveling to enter the service of such a carrier.

Sec. 82. NRS 706.371 is hereby amended to read as follows:

706.371 The [Authority] *Commission* may regulate and fix the maximum number of contracts and the minimum carrying charges of all intrastate contract motor carriers, and conduct hearings, make and enter necessary orders and enforce the same with respect thereto in the same manner and form as is now or may hereafter be provided by law for the regulation of the rates, charges and services of common motor carriers.

Sec. 83. NRS 706.386 is hereby amended to read as follows:

706.386 It is unlawful, except as otherwise provided in NRS 373.117, 706.446, 706.453 and 706.745, for any fully regulated common motor carrier to operate as a carrier of intrastate commerce and any operator of a tow car to perform towing services within this State without first obtaining a certificate of public convenience and necessity from the [Authority.] *Commission*.

Sec. 84. NRS 706.391 is hereby amended to read as follows:

706.391 1. Upon the filing of an application for a certificate of public convenience and necessity to operate as a common motor carrier, other than an operator of a tow car, or an application for modification of such a certificate, the [Authority] *Commission* shall fix a time and place for a hearing on the application.

2. The [Authority] *Commission* shall grant the certificate or modification if it finds that:

(a) The applicant is financially and operationally fit, willing and able to perform the services of a common motor carrier and that the operation of,

and the provision of such services by, the applicant as a common motor carrier will foster sound economic conditions within the applicable industry;

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

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

(d) The proposed operation or the proposed modification will benefit and protect the safety and convenience of the traveling and shipping public and the motor carrier business in this State;

(e) The proposed operation, or service under the proposed modification, will be provided on a continuous basis; *and*

(f) The market identified by the applicant as the market which the applicant intends to serve will support the proposed operation or proposed modification . [; and

(g) The applicant has paid all fees and costs related to the application.

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

3. *The Commission shall assess to the applicant an amount equal to the actual investigative and administrative costs relating to processing the application.*

4. In determining whether the applicant is fit to perform the services of a common motor carrier pursuant to paragraph (a) of subsection 2, the [Authority] *Commission* shall consider whether the applicant has violated any provision of this chapter or any regulations adopted pursuant thereto.

5. The applicant for the certificate or modification:

(a) Has the burden of proving to the [Authority] *Commission* that the proposed operation will meet the requirements of subsection 2; and

(b) Must pay the amounts billed to the applicant by the [Authority] *Commission* for the costs incurred by the [Authority] *Commission* in conducting any investigation regarding the applicant and the application.

6. The [Authority] *Commission* may issue or modify a certificate of public convenience and necessity to operate as a common motor carrier, or issue or modify it for:

(a) The exercise of the privilege sought.

(b) The partial exercise of the privilege sought.

7. The [Authority] *Commission* may attach to the certificate such terms and conditions as, in its judgment, the public interest may require.

8. The [Authority] *Commission* may dispense with the hearing on the application if, upon the expiration of the time fixed in the notice thereof, no petition to intervene has been filed on behalf of any person who has filed a protest against the granting of the certificate or modification.

Sec. 85. NRS 706.396 is hereby amended to read as follows:

706.396 Any person who, after hearing, has been denied a certificate of public convenience and necessity to operate as a carrier must not be permitted again to file a similar application with the [Authority] *Commission* covering the same type of service and over the same route or routes or in the same territory for which the certificate of public convenience and necessity was denied except after the expiration of 180 days after the date the certificate of public convenience and necessity was denied.

Sec. 86. NRS 706.398 is hereby amended to read as follows:

706.398 The [Authority:] *Commission*:

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

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

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

unless the carrier has obtained the prior permission of the [Authority.] *Commission*.

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] *Commission* adopted pursuant thereto.

Sec. 87. NRS 706.411 is hereby amended to read as follows:

706.411 Every order refusing or granting any certificates of public convenience and necessity, or granting or refusing permission to discontinue, modify or restrict service is prima facie lawful from the date of the order until changed or modified by the order of the [Authority] *Commission* pursuant to the provisions of this chapter.

Sec. 88. NRS 706.426 is hereby amended to read as follows:

706.426 An application for a permit for a new operation as a contract motor carrier [shall] *must* be:

1. Made to the [Authority] *Commission* in writing.

2. In such form and be accompanied by such information as the [Authority] *Commission* may require.

Sec. 89. NRS 706.431 is hereby amended to read as follows:

706.431 1. A permit may be issued to any applicant therefor, authorizing in whole or in part the operation covered by the application, if it appears from the application or from any hearing held thereon that:

(a) The applicant is fit, willing and able properly to perform the service of a contract motor carrier and to conform to all provisions of NRS 706.011 to 706.791, inclusive, and the regulations adopted thereunder; and

(b) The proposed operation will be consistent with the public interest and will not operate to defeat the legislative policy set forth in NRS 706.151.

2. An application must be denied if the provisions of subsection 1 are not met.

3. The [Authority] *Commission* shall revoke or suspend pursuant to the provisions of this chapter the permit of a contract motor carrier who has failed to file the annual report required [in] by NRS 706.167 within 60 days after the report is due.

4. The [Authority] *Commission* shall adopt regulations providing for a procedure by which any contract entered into by a contract motor carrier after he has been issued a permit pursuant to this section may be approved by the [Authority] *Commission* without giving notice required by statute or by a regulation of the [Authority.] *Commission*.

Sec. 90. NRS 706.436 is hereby amended to read as follows:

706.436 Any person who has been denied a permit to act as a contract motor carrier after hearing may not file a similar application with the [Authority] *Commission* covering the same type of service and over the same route or routes or in the same territory for which the permit was denied except after the expiration of 180 days after the date the permit was denied.

Sec. 91. NRS 706.442 is hereby amended to read as follows:

706.442 Any person engaging in the intrastate transportation or storage of household goods shall comply with the following requirements:

1. Upon the request of a person seeking service, the carrier of household goods shall provide the person with a written, binding estimate of the cost of providing the requested service.

2. The charges assessed for the service rendered may not exceed the amount in the written estimate, unless the customer requested services in addition to those included in the written estimate and agreed to pay additional charges.

3. If the person for whom service was provided pays any amount consistent with the provisions of subsection 2, the provider of service shall release immediately any household goods that were transported or stored to that person.

4. If a person requesting service alleges that any household goods were damaged or lost, the person that provided the service shall:

(a) Attempt to resolve the dispute; and

(b) Identify the carrier of his insurance and explain the procedures to file a claim.

5. The provider of service shall advise all persons for whom service is to be performed of their right to file a complaint with the [Authority] *Commission* and provide the address and telephone number of the nearest business office of the [Authority.] *Commission*.

6. Any other terms and conditions which the [Authority] *Commission* may by regulation prescribe to protect the public.

Sec. 92. NRS 706.443 is hereby amended to read as follows:

706.443 1. The provisions of NRS 706.442 apply whether or not the person providing the service has received authority to operate from the [Authority.] *Commission*.

2. The [Authority] *Commission* shall enforce the provisions of NRS 706.442 and consider complaints regarding violations of the provisions of that section pursuant to the provisions of this chapter. In addition to any other remedies, the [Authority] *Commission* may order the release of any household goods that are being held by the provider of service subject to the terms and conditions that the [Authority] *Commission* determines to be appropriate and may order the refund of overcharges.

3. The [Authority] *Commission* may use the remedies provided in NRS 706.457, 706.461, 706.756, 706.761, 706.771 and 706.779 and any other remedy available under other law.

4. The [Authority] *Commission* shall adopt regulations regarding the administration and enforcement of this section and NRS 706.442.

Sec. 93. NRS 706.445 is hereby amended to read as follows:

706.445 The [Authority] *Commission* may not regulate the:

1. Geographical area in which towing services are provided;
2. Types of towing services that are provided; or
3. Rates and charges assessed or the terms and conditions imposed for towing services performed with the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle,  
by an operator of a tow car.

Sec. 94. NRS 706.446 is hereby amended to read as follows:

706.446 The provisions of this chapter do not require an operator of a tow car who provides towing for a licensed motor club regulated pursuant to chapter 696A of NRS to obtain a certificate of public convenience and necessity or to comply with the regulations or rates adopted by the [Authority] *Commission* to provide that towing.

Sec. 95. NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

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

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

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive.

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must file an application with the [Authority.] *Commission*.

3. The [Authority] *Commission* shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:

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

(b) Complies with the requirements of the regulations adopted by the [Authority] Commission pursuant to the provisions of this chapter;

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

(d) Has provided evidence that he has filed with the [Authority] Commission schedules and tariffs pursuant to subsection 2 of NRS 706.321.

4. An applicant for a certificate has the burden of proving to the [Authority] Commission that the proposed operation will meet the requirements of subsection 3.

5. The [Authority] Commission may hold a hearing to determine whether an applicant is entitled to a certificate only if:

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

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

Sec. 96. NRS 706.4464 is hereby amended to read as follows:

706.4464 1. An operator of a tow car who is issued a certificate of public convenience and necessity may transfer it to another operator of a tow car qualified pursuant to the provisions of NRS 706.011 to 706.791, inclusive, but no such transfer is valid for any purpose until a joint application to make the transfer is made to the [Authority] Commission by the transferor and the transferee [;] and the [Authority] Commission has authorized the substitution of the transferee for the transferor. No transfer of stock of a corporate operator of a tow car subject to the jurisdiction of the [Authority] Commission is valid without the prior approval of the [Authority] Commission if the effect of the transfer would be to change the corporate control of the operator of a tow car or if a transfer of 15 percent or more of the common stock of the operator of a tow car is proposed.

2. The [Authority] Commission shall approve an application filed with it pursuant to subsection 1 if it determines that the transferee:

(a) Complies with the provisions of NRS 706.011 to 706.791, inclusive, and the regulations adopted by the [Authority] Commission pursuant to those provisions;

(b) Uses equipment that is in compliance with the regulations adopted by the [Authority] Commission;

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

(d) Has provided evidence that he has filed with the [Authority] Commission schedules and tariffs pursuant to NRS 706.321 which contain rates and charges and the terms and conditions that the operator of the tow car requires to perform towing services without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which do not exceed the rates and charges that the transferor was authorized to assess for the same services.

3. The [Authority] Commission may hold a hearing concerning an application submitted pursuant to this section only if:

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

(b) The [Authority] Commission finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 2.

4. The [Authority] Commission shall not hold a hearing on an application submitted pursuant to this section if the application is made to transfer the certificate of public convenience and necessity from a natural person or partners to a corporation whose controlling stockholders will be substantially the same person or partners.

5. The approval by the [Authority] Commission of an application for transfer of a certificate of public convenience and necessity of an operator of a tow car is not valid after the expiration of the term for the transferred certificate.

Sec. 97. NRS 706.4468 is hereby amended to read as follows:

706.4468 1. Each operator of a tow car shall file its charges for preparing or satisfying a lien to which the operator is entitled against a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle. The [Authority] Commission may investigate any charge filed pursuant to this subsection and revise the charge as necessary to ensure that the charge is reasonable.

2. An operator of a tow car may not impose a charge or any part of a charge filed pursuant to subsection 1 unless the operator:

(a) Has initiated the procedure by which a person may satisfy a lien; and

(b) Stores the vehicle for at least 96 hours.

3. If an operator of a tow car stores a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle for at least 96 hours but not more than 336 hours, the operator may charge an amount not to exceed 50 percent of the charge approved by the [Authority] Commission pursuant to subsection 1 for preparing or satisfying a lien.

4. If an operator of a tow car stores a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle for more than 336 hours, the operator may

charge an amount not to exceed 50 percent of the charge approved by the ~~{Authority}~~ *Commission* pursuant to subsection 1 for preparing or satisfying a lien in addition to the amount charged pursuant to subsection 3.

Sec. 98. NRS 706.4473 is hereby amended to read as follows:

706.4473 The operator shall inform each owner, or agent of the owner, of a towed motor vehicle that the owner or agent may file a complaint with the ~~{Authority}~~ *Commission* regarding any violation of the provisions of this chapter.

Sec. 99. NRS 706.4483 is hereby amended to read as follows:

706.4483 1. The ~~{Authority}~~ *Commission* shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive.

2. In addition to any other remedies that may be available to the ~~{Authority}~~ *Commission* to act upon complaints, the ~~{Authority}~~ *Commission* may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the ~~{Authority}~~ *Commission* determines to be appropriate.

Sec. 100. NRS 706.4485 is hereby amended to read as follows:

706.4485 1. A law enforcement agency that maintains and uses a list of operators of tow cars which are called by that agency to provide towing shall not include an operator of a tow car on the list unless he:

(a) Holds a certificate of public convenience and necessity issued by the ~~{Authority}~~ *Commission*.

(b) Complies with all applicable provisions of this chapter and chapters 482 and 484 of NRS.

(c) Agrees to respond in a timely manner to requests for towing made by the agency.

(d) Maintains adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed.

(e) Complies with all standards the law enforcement agency may adopt to protect the health, safety and welfare of the public.

(f) Assesses only rates and charges that have been approved by the ~~{Authority}~~ *Commission* for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle.

2. The ~~{Authority}~~ *Commission* shall not require that an operator of a tow car charge the same rate to law enforcement agencies for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle that the operator charges to other persons for such services.

3. Except as otherwise provided in this subsection, if an operator of a tow car is included on a list of operators of tow cars that is maintained and used by the Nevada Highway Patrol pursuant to this section, the Nevada Highway Patrol shall not remove the operator of the tow car from the list, or restrict his use pursuant thereto, solely on the ground that the operator is insured under



the same policy of insurance as one other operator of a tow car who is included on the list and operates in the same geographical area. An operator of a tow car is not eligible for inclusion on the list if the operator is insured under the same policy of insurance as two or more other operators of tow cars who are included on the list and operate in the same geographical area.

Sec. 101. NRS 706.449 is hereby amended to read as follows:

706.449 The [Authority] *Commission* may impose an administrative fine pursuant to subsection 2 of NRS 706.771 on the owner or operator of a tow car who fails to pay in a timely manner any charge required to be paid by subsection 2 of NRS 484.631.

Sec. 102. NRS 706.451 is hereby amended to read as follows:

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

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

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

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

Sec. 103. NRS 706.457 is hereby amended to read as follows:

706.457 The [Authority] *Commission* may by subpoena require any person believed by it to be subject to any of the provisions of NRS 706.011 to 706.791, inclusive, who has not obtained a required certificate of public convenience and necessity or a required permit issued in accordance with those sections, to appear before it with all of his relevant books, papers and records and to testify concerning the scope, nature and conduct of his business.

Sec. 104. NRS 706.458 is hereby amended to read as follows:

706.458 1. The district court in and for the county in which any investigation or hearing is being conducted by the [Authority] *Commission* pursuant to the provisions of this chapter may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the [Authority] *Commission*.

2. If any witness refuses to attend or testify or produce any papers required by such subpoena, the [Authority] *Commission* may report to the district court in and for the county in which the investigation or hearing is pending, by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in this chapter; and

(c) That the witness has failed and refused to attend or produce the papers required by subpoena in the investigation or hearing named in the subpoena, or has refused to answer questions propounded to him in the course of such investigation or hearing,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers.

3. The court, upon petition of the [Authority] *Commission*, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days [from] *after* the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the [Authority] *Commission*. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued, the court shall thereupon enter an order that the witness appear at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order, the witness must be dealt with as for contempt of court.

Sec. 105. NRS 706.461 is hereby amended to read as follows:

706.461 When:

1. A complaint has been filed with the [Authority] *Commission* alleging that any vehicle is being operated without a certificate of public convenience and necessity or contract carrier's permit as required by NRS 706.011 to 706.791, inclusive; or

2. The [Authority] *Commission* has reason to believe that any:

(a) Person is advertising to provide:

(1) The services of a fully regulated carrier in intrastate commerce; or

(2) Towing services,

without including the number of his certificate of public convenience and necessity or permit in each advertisement; or

(b) Provision of NRS 706.011 to 706.791, inclusive, is being violated,

the [Authority] *Commission* shall investigate the operations or advertising and may, after a hearing, order the owner or operator of the vehicle or the person advertising to cease and desist from any operation or advertising in violation of NRS 706.011 to 706.791, inclusive. The [Authority] *Commission* shall enforce compliance with the order pursuant to the powers vested in the [Authority] *Commission* by NRS 706.011 to 706.791, inclusive, or by other law.

Sec. 106. NRS 706.465 is hereby amended to read as follows:

706.465 1. An operator of a limousine shall, beginning on July 1, 2003, and on July 1 of each year thereafter, pay to the [Authority] *Commission* a

fee of \$100 for each limousine that the ~~[Authority]~~ *Commission* has authorized the operator to operate.

2. As used in this section, “limousine” includes:

- (a) A livery limousine; and
- (b) A traditional limousine.

Sec. 107. NRS 706.471 is hereby amended to read as follows:

706.471 1. Each taxicab motor carrier shall, before commencing the operation defined in NRS 706.126 and annually thereafter, pay to the ~~[Authority]~~ *Commission* for each taxicab which it operates, including each taxicab it leases pursuant to NRS 706.473, a fee of not more than \$75 as determined by a regulation of the ~~[Authority.]~~ *Commission*.

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

3. The initial fee must be reduced one-twelfth for each month which has elapsed since the beginning of the calendar year in which operation is begun.

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

Sec. 108. NRS 706.473 is hereby amended to read as follows:

706.473 1. In a county whose population is less than 400,000, a person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business may, upon approval from the ~~[Authority,]~~ *Commission*, lease a taxicab to an independent contractor who does not hold a certificate of public convenience and necessity. A person may lease only one taxicab to each independent contractor with whom he enters into a lease agreement. The taxicab may be used only in a manner authorized by the lessor’s certificate of public convenience and necessity.

2. A person who enters into a lease agreement with an independent contractor pursuant to this section shall submit a copy of the agreement to the ~~[Authority]~~ *Commission* for its approval. The agreement is not effective until approved by the ~~[Authority.]~~ *Commission*.

3. A person who leases a taxicab to an independent contractor is jointly and severally liable with the independent contractor for any violation of the provisions of this chapter or the regulations adopted pursuant thereto, and shall ensure that the independent contractor complies with such provisions and regulations.

4. The ~~[Authority]~~ *Commission* or any of its employees may intervene in a civil action involving a lease agreement entered into pursuant to this section.

Sec. 109. NRS 706.475 is hereby amended to read as follows:

706.475 1. The ~~[Authority]~~ *Commission* shall adopt such regulations as are necessary to:

- (a) Carry out the provisions of NRS 706.473; and
- (b) Ensure that the taxicab business remains safe, adequate and reliable.

2. Such regulations must include, without limitation:

- (a) The minimum qualifications for an independent contractor;
- (b) Requirements related to liability insurance;
- (c) Minimum safety standards; and
- (d) The procedure for approving a lease agreement and the provisions that must be included in a lease agreement concerning the grounds for the revocation of such approval.

Sec. 110. NRS 706.476 is hereby amended to read as follows:

706.476 Except as otherwise provided in NRS 706.478:

1. A vehicle used as a taxicab, limousine or other passenger vehicle in passenger service, *a vehicle operated as a tow car or a vehicle used to transport household goods* must be impounded by the ~~{Authority}~~ *Commission* if a certificate of public convenience and necessity has not been issued authorizing its operation. A hearing must be held by the ~~{Authority}~~ *no* *Transportation Hearing Commissioner or other designated hearing officer* not later than the conclusion of the second normal business day after impoundment, weekends and holidays excluded. As soon as practicable after impoundment, the ~~{Authority}~~ *Commission* shall notify the registered owner of the vehicle:

- (a) That the registered owner of the vehicle must post a bond in the amount of \$20,000 to ensure his presence at all proceedings held pursuant to this section;
- (b) Of the time set for the hearing; and
- (c) Of his right to be represented by counsel during all phases of the proceedings.

2. The ~~{Authority}~~ *Commission* shall hold the vehicle until the registered owner of the vehicle appears and:

- (a) Proves that he is the registered owner of the vehicle;
- (b) Proves that he holds a valid certificate of public convenience and necessity;
- (c) Proves that the vehicle meets all required standards of the ~~{Authority}~~ *Commission*; and
- (d) Posts a bond in the amount of \$20,000 with the ~~{Authority}~~.

~~The Authority~~ *Commission*.

*The Commission* shall return the vehicle to its registered owner when the owner meets the requirements of this subsection and pays all costs of impoundment.

3. If the registered owner is unable to meet the requirements of paragraph (b) or (c) of subsection 2, the ~~{Authority}~~ *Commission* may assess an administrative fine against the registered owner for each such violation in ~~the amount of \$5,000. The maximum amount of the administrative fine that may be assessed against a registered owner for a single impoundment of his vehicle pursuant to this section is~~ *an amount not to exceed \$10,000*. The ~~{Authority}~~ *Commission* shall return the vehicle after any administrative fine

imposed pursuant to this subsection and all costs of impoundment have been paid.

Sec. 111. NRS 706.478 is hereby amended to read as follows:

706.478 1. Notwithstanding any provision of NRS 706.011 to 706.791, inclusive, to the contrary, if the registered owner of a vehicle which is impounded pursuant to NRS 706.476 is a short-term lessor licensed pursuant to NRS 482.363 who is engaged in the business of renting or leasing vehicles in accordance with NRS 482.295 to 482.3159, inclusive, the registered owner is not liable for any administrative fine or other penalty that may be imposed by the ~~[Authority]~~ *Commission* for the operation of a passenger vehicle in violation of NRS 706.011 to 706.791, inclusive, if at the time that the vehicle was impounded ~~[,]~~ the vehicle was in the care, custody or control of a lessee.

2. A short-term lessor may establish that a vehicle was subject to the care, custody or control of a lessee at the time that the vehicle was impounded pursuant to NRS 706.476 by submitting to the ~~[Authority]~~ *Commission* a true copy of the lease or rental agreement pursuant to which the vehicle was leased or rented to the lessee by the short-term lessor. The submission of a true copy of a lease or rental agreement is prima facie evidence that the vehicle was in the care, custody or control of the lessee.

3. Upon the receipt of a true copy of a written lease or rental agreement pursuant to subsection 2 which evidences that the vehicle impounded by the ~~[Authority]~~ *Commission* pursuant to NRS 706.476 was under the care, custody or control of a lessee and not the registered owner of the vehicle, the ~~[Authority]~~ *Commission* shall release the vehicle to the short-term lessor.

4. As used in this section, “short-term lessor” has the meaning ascribed to it in NRS 482.053.

Sec. 112. NRS 706.631 is hereby amended to read as follows:

706.631 The remedies of the State provided for in NRS 706.011 to 706.861, inclusive, are cumulative, and no action taken by the Department or ~~[Authority]~~ *the Commission* may be construed to be an election on the part of the State or any of its officers to pursue any remedy under NRS 706.011 to 706.861, inclusive, to the exclusion of any other remedy for which provision is made in NRS 706.011 to 706.861, inclusive.

Sec. 113. NRS 706.6411 is hereby amended to read as follows:

706.6411 1. All motor carriers, other than operators of tow cars, regulated pursuant to NRS 706.011 to 706.791, inclusive, to whom the certificates, permits and licenses provided by NRS 706.011 to 706.791, inclusive, have been issued may transfer them to another carrier, other than an operator of a tow car, qualified pursuant to NRS 706.011 to 706.791, inclusive, but no such transfer is valid for any purpose until a joint application to make the transfer has been made to the ~~[Authority]~~ *Commission* by the transferor and the transferee ~~[,]~~ and the ~~[Authority]~~ *Commission* has authorized the substitution of the transferee for the transferor. No transfer of stock of a corporate motor carrier subject to the jurisdiction of the ~~[Authority]~~ *Commission* is valid without the prior approval

of the [Authority] *Commission* if the effect of the transfer would be to change the corporate control of the carrier or if a transfer of 15 percent or more of the common stock of the carrier is proposed.

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

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

4. In determining whether or not the transfer of a certificate of public convenience and necessity or a permit to act as a contract motor carrier should be authorized, the [Authority] *Commission* shall consider:

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

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

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

5. Upon a transfer made pursuant to this section, the [Authority] *Commission* may make such amendments, restrictions or modifications in a certificate or permit as the public interest may require.

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

Sec. 114. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of his own equipment in his own vehicles from job to job.

(b) Any person engaged in transporting his own personal effects in his own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by him in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person [ ] when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the ~~Authority~~ *Commission* to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to his actual operation as prescribed in this chapter, computed from the date when that operation began.

Sec. 115. NRS 706.745 is hereby amended to read as follows:

706.745 1. The provisions of NRS 706.386 and 706.421 do not apply to ambulances or hearses.

2. A common motor carrier that enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transit consisting of:

(a) Regular routes and fixed schedules;

(b) Nonemergency medical transportation of persons to facilitate their use of a center as defined in NRS 435.170, if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of disabled persons without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the

transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

3. Under any agreement for a system of public transit that provides for the transportation of passengers that is described in subsection 2:

- (a) The public entity shall provide for any required safety inspections; or
- (b) If the public entity is unable to do so, the ~~[Authority]~~ *Commission* shall provide for any required safety inspections.

4. In addition to the requirements of subsection 3, under an agreement for a system of public transit that provides for the transportation of passengers that is described in:

(a) Paragraph (a) of subsection 2, the public entity shall establish the routes and fares.

(b) Paragraph (c) or (d) of subsection 2, the common motor carrier:

(1) May provide transportation to any passenger who can board a vehicle with minimal assistance from the operator of the vehicle.

(2) Shall not offer medical assistance as part of its transportation service.

5. A nonprofit carrier of elderly or disabled persons is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but such a carrier is not exempt from inspection by the ~~[Authority]~~ *Commission* to determine whether its vehicles and their operation are safe.

6. An incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transportation.

7. Before an incorporated city or a county enters into an agreement with a common motor carrier for a system of public transit that provides for the transportation of passengers that is described in paragraph (c) or (d) of subsection 2 in an area of the incorporated city or an area of the county, it must determine that:

(a) There are no other common motor carriers of passengers who are authorized to provide such services in that area; or

(b) Although there are other common motor carriers of passengers who are authorized to provide such services in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, such services.

Sec. 116. NRS 706.749 is hereby amended to read as follows:

706.749 1. The ~~[Authority]~~ *Commission* may issue a permit, valid for 1 year after the date of issuance, to an employer to transport his employees between their place of work and their homes or one or more central parking areas if the employer files an application, on a form provided by the ~~[Authority]~~ *Commission*, showing:

(a) The name of the employer;

(b) The places where employees will be picked up and discharged, including the location of their place of work;



(c) Identification of each vehicle to be used and certification that it is owned or the subject of a long-term lease by the employer;

(d) That each vehicle is registered to and operated by the employer; and

(e) Any charge which will be made for the service.

2. The employer must pay a fee of \$10 for each vehicle which he will regularly use to transport his employees.

3. The employer must charge no fare for the use of the service, or no more than an amount required to amortize the cost of the vehicle and defray the cost of operating it.

4. The ~~Authority~~ *Commission* shall renew the permit upon receipt of a fee of \$10 per vehicle regularly used to transport employees.

Sec. 117. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(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, 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, or by the ~~Authority~~ *Commission* or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive;

(d) Fails to obey any order, decision or regulation of the ~~Authority~~ *Commission* or the Department;

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

(f) Advertises, solicits, proffers bids or otherwise holds himself 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;

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

without including the number of his 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;

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

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

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

(m) Refuses or fails to surrender to the ~~[Authority]~~ *Commission* or the Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

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

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience 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.

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

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 118. NRS 706.758 is hereby amended to read as follows:

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

2. If, after notice and a hearing, the ~~[Authority]~~ *Commission* determines that a person has engaged in advertising in a manner that violates the provisions of this section, the ~~[Authority]~~ *Commission* may, in addition to

any penalty, punishment or disciplinary action authorized by the provisions of NRS 706.011 to 706.791, inclusive, issue an order to the person to cease and desist the unlawful advertising and to:

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

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

3. If a person fails to comply with paragraph (a) of subsection 2 within 5 days after the date that he receives an order pursuant to subsection 2, the ~~Authority may request the Commission to~~ *Commission may* order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement, except for a telephone number to a provider of paging services. If a person fails to comply with paragraph (b) of subsection 2 within 5 days after the date he receives an order pursuant to subsection 2, the ~~Authority~~ *Commission* may request the provider of paging services to switch the beeper number or disconnect the paging services provided to the person, whichever the provider deems appropriate.

4. If the provider of paging services receives a request from a person pursuant to subsection 2 or a request from the ~~Authority~~ *Commission* pursuant to subsection 3, ~~it~~ *the provider of paging services* shall:

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

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

If the provider of paging services elects to switch the number pursuant to paragraph (b), the *provider of paging services* shall not forward or offer to forward the paging calls from the previous number, or provide or offer to provide a recorded message that includes the new beeper number.

5. As used in this section:

(a) “Advertising” includes, but is not limited to, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of “fully regulated carrier” with or without any 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.

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

(d) “Provider of telephone service” has the meaning ascribed to it in NRS 707.355.

Sec. 119. NRS 706.761 is hereby amended to read as follows:

706.761 1. Any agent or person in charge of the books, accounts, records, minutes or papers of any private, common or contract motor carrier

or broker of any of these services who refuses or fails for a period of 30 days to furnish the ~~{Authority}~~ *Commission* or *the* Department with any report required by either or who fails or refuses to permit any person authorized by the ~~{Authority}~~ *Commission* or *the* Department to inspect such books, accounts, records, minutes or papers on behalf of the ~~{Authority}~~ *Commission* or *the* Department is liable ~~{to}~~ for a penalty in a sum of not less than \$300 nor more than \$500. The penalty may be recovered ~~[in a civil action upon the complaint of the Authority or Department in any court of competent jurisdiction.]~~ after providing notice, hearing and entry of an administrative order.

2. Each day's refusal or failure is a separate offense, and is subject to the penalty prescribed in this section.

Sec. 120. NRS 706.766 is hereby amended to read as follows:

706.766 1. It is unlawful for any fully regulated carrier or operator of a tow car to charge, demand, collect or receive a greater or less compensation for any service performed by it within this State or for any service in connection therewith than is specified in its fare, rates, joint rates, charges or rules and regulations on file with the ~~{Authority,}~~ *Commission*, or to demand, collect or receive any fare, rate or charge not specified. The rates, tolls and charges named therein are the lawful rates, tolls and charges until they are changed as provided in this chapter.

2. It is unlawful for any fully regulated carrier or operator of a tow car to grant any rebate, concession or special privilege to any person which, directly or indirectly, has or may have the effect of changing the rates, tolls, charges or payments.

3. Any violation of the provisions of this section subjects the violator to the penalty prescribed in NRS 706.761.

Sec. 121. NRS 706.771 is hereby amended to read as follows:

706.771 1. Any person, or any agent or employee thereof, who violates any provision of this chapter, any lawful regulation of the ~~{Authority}~~ *Commission* or any lawful tariff on file with the ~~{Authority}~~ *Commission* or who fails, neglects or refuses to obey any lawful order of the ~~{Authority}~~ *Commission* or any court order for whose violation a civil penalty is not otherwise prescribed is liable to a penalty of not more than \$10,000 for any violation. The penalty may be recovered in a civil action upon the complaint of the ~~{Authority}~~ *Commission* in any court of competent jurisdiction.

2. If the ~~{Authority}~~ *Commission* does not bring an action to recover the penalty prescribed by subsection 1, the ~~{Authority}~~ *Commission* may impose an 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 issued by the ~~{Authority}~~ *Commission* or *the* Department pursuant to the provisions of this chapter. A fine imposed by the ~~{Authority}~~ *Commission* may be recovered by the ~~{Authority}~~ *Commission* only after notice is given and a hearing is held pursuant to the provisions of chapter 233B of NRS.

3. All administrative fines imposed and collected by the ~~[Authority]~~ *Commission* pursuant to subsection 2 are payable to the State Treasurer and must be credited to a separate account to be used by the ~~[Authority]~~ *Commission* to enforce the provisions of this chapter.

4. A penalty or fine recovered pursuant to this section is not a cost of service for purposes of rate making.

Sec. 122. NRS 706.776 is hereby amended to read as follows:

706.776 1. The owner or operator of a motor vehicle to which any provisions of NRS 706.011 to 706.861, inclusive, apply carrying passengers or property on any highway in the State of Nevada shall not require or permit any driver of the motor vehicle to drive it in any one period longer than the time permitted for that period by the order of the ~~[Authority]~~ *Commission* or the Department.

2. In addition to other persons so required, the Labor Commissioner shall enforce the provisions of this section.

Sec. 123. NRS 706.779 is hereby amended to read as follows:

706.779 The ~~[Authority]~~ *Commission* and its inspectors may, upon halting a person for a violation of the provisions of NRS 706.386 or 706.421, move his vehicle or cause it to be moved to the nearest garage or other place of safekeeping until it is removed in a manner which complies with the provisions of this chapter.

Sec. 124. NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, for the prevention and punishment of any violation of the provisions thereof and of all orders of the ~~[Authority]~~ *Commission* or the Department, the ~~[Authority]~~ *Commission* or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, and with the orders of the ~~[Authority]~~ *Commission* or the Department by proceedings in mandamus, injunction or by other civil remedies.

Sec. 125. NRS 706.881 is hereby amended to read as follows:

706.881 1. The provisions of NRS 706.8811 to 706.885, inclusive, apply to any county:

(a) Whose population is 400,000 or more; or

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

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, within that county.

3. Within any such county, the provisions of this chapter which confer regulatory authority over taxicab motor carriers upon the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* do not apply.

Sec. 126. NRS 706.8813 is hereby amended to read as follows:

706.8813 “Certificate holder” means a person who holds a current certificate of public convenience and necessity which was issued for the operation of a taxicab business by:

1. The Public Service Commission of Nevada before July 1, 1981, and which has not been transferred, revoked or suspended by ~~the Transportation Services Authority,~~ the Taxicab Authority or the Public Utilities Commission of Nevada, or by operation of law; or

2. The Taxicab Authority and which has not been transferred, revoked or suspended by the Taxicab Authority or by operation of law.

Sec. 127. NRS 706.8818 is hereby amended to read as follows:

706.8818 1. The Taxicab Authority, consisting of five members appointed by the Governor, is hereby created. Except as otherwise provided in NRS 232A.020, the term of each member is 3 years and no member may serve for more than 6 years. No more than three members may be members of the same political party, and no elected officer of the State or any political subdivision is eligible for appointment.

2. Each member of the Taxicab Authority is entitled to receive a salary of not more than \$80, as fixed by the Authority, for each day actually employed on work of the Authority.

3. While engaged in the business of the Taxicab Authority, each member and employee of the Authority is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. The Taxicab Authority shall maintain its principal office in the county or area of the State where it performs most of its regulatory activity.

5. The Taxicab Authority may adopt appropriate regulations for the administration and enforcement of NRS 706.881 to 706.885, inclusive, and, as it may deem necessary, for the conduct of the taxicab business and for the qualifications of and the issuance of permits to taxicab drivers, not inconsistent with the provisions of NRS 706.881 to 706.885, inclusive. The regulations may include different provisions to allow for differences among the counties to which NRS 706.881 to 706.885, inclusive, apply. Local law enforcement agencies and the Nevada Highway Patrol, upon request of the Authority, may assist in enforcing the provisions of NRS 706.881 to 706.885, inclusive, and regulations adopted pursuant thereto.

6. Except to the extent of any inconsistency with the provisions of NRS 706.881 to 706.885, inclusive, every regulation and order issued by the ~~Transportation Services Authority~~ *Public Utilities Commission of Nevada* remains effective in a county to which those sections apply until modified or rescinded by the Taxicab Authority, and must be enforced by the Taxicab Authority.

Sec. 128. NRS 706.8819 is hereby amended to read as follows:

706.8819 1. The Taxicab Authority shall conduct hearings and make final decisions in the following matters:

(a) Applications to adjust, alter or change the rates, charges or fares for taxicab service;

(b) Applications for certificates of public convenience and necessity to operate a taxicab service;

(c) Applications requesting authority to transfer any existing interest in a certificate of public convenience and necessity or in a corporation that holds a certificate of public convenience and necessity to operate a taxicab business;

(d) Applications to change the total number of allocated taxicabs in a county to which NRS 706.881 to 706.885, inclusive, apply; and

(e) Appeals from final decisions of the Administrator made pursuant to NRS 706.8822.

2. *Any person who is aggrieved by any act or failure to act by the Taxicab Authority is entitled to judicial review of the act or failure to act in the manner provided by chapter 233B of NRS. An appeal from the final decision of the Taxicab Authority must be made to the ~~{Transportation Services Authority}~~ district court for the county in which the alleged act or failure to act occurred.*

Sec. 129. NRS 712.020 is hereby amended to read as follows:

712.020 The Legislature hereby finds and declares that the storage of household goods and effects in warehouses affects the public interest and the public welfare, and in the exercise of its police power, it is necessary to vest in the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* the authority to set certain standards as to fitness and financial stability, and to require certain insurance as a condition for engaging in such storage business.

Sec. 130. NRS 712.040 is hereby amended to read as follows:

712.040 A person shall not engage in the storage of household goods and effects without first having obtained from the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* a warehouse permit to conduct such service.

Sec. 131. NRS 712.050 is hereby amended to read as follows:

712.050 1. Before issuing a warehouse permit, the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* shall:

(a) Require proof of financial ability to protect persons storing property from loss or damage, and a showing of sufficient assets, including working capital, to carry out the proposed service.

(b) Determine that the applicant has sufficient experience in and knowledge of the storage in a warehouse of household goods and effects, and the regulations of the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* governing the storage of household goods and effects.

(c) Require proof that the applicant carries a legal policy of liability insurance evidencing coverage against fire, theft, loss and damage for stored property and effects in an amount not less than the base release value set forth in the tariff approved by the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* governing the transportation of household

goods and effects for those articles not covered by private insurance. Except upon 30 days' written notice to the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada*, the insurance must not be cancelled during the period for which any permit is issued. Failure to keep the insurance in effect is cause for revocation of any warehouse permit.

(d) Require information showing that the property to be used for storage of household goods and effects is reasonably suitable for that purpose. Failure to maintain the property in suitable condition is cause for revocation of any warehouse permit.

(e) Collect an initial fee for the permit as set by the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* according to the gross volume of business in an amount not less than \$25 nor more than \$50.

2. On or before January 1 of each year, the holder of a warehouse permit shall pay to the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* an annual fee as set by the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* pursuant to paragraph (e) of subsection 1.

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

Sec. 132. NRS 712.060 is hereby amended to read as follows:

712.060 The ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* or its agents may:

1. Inspect any property proposed to be used for storage of household goods and effects to determine its suitability.

2. Examine the premises, books and records of any permit holder.

Sec. 133. NRS 712.070 is hereby amended to read as follows:

712.070 The ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* shall adopt such rules or regulations as may be required for the administration of this chapter.

Sec. 134. NRS 706.018, 706.021, 706.1511, 706.1512, 706.1513, 706.1518, 706.158, 706.176 and 706.2883 are hereby repealed.

Sec. 135. Notwithstanding any provision of this act, the amendatory provisions of sections 2, 3, 4, 18 and 19 of this act apply only to motor vehicles with a declared gross weight in excess of 26,000 pounds that are initially registered, or for which the registrations are renewed, on or after January 1, 2006.

Sec. 136. 1. Any regulations adopted by the Transportation Services Authority remain in force until amended or repealed by the Public Utilities Commission of Nevada.

2. Any contracts or other agreements entered into by the Transportation Services Authority, whose responsibilities have been transferred pursuant to this act, are binding on the Public Utilities Commission of Nevada.



3. Any certificate of public convenience and necessity issued by the Transportation Services Authority that is in effect on October 1, 2005, shall be deemed to have been issued by the Public Utilities Commission of Nevada.

4. Any license or permit issued by the Transportation Services Authority that is in effect on October 1, 2005, shall be deemed to have been issued by the Public Utilities Commission of Nevada.

5. Any file of the Transportation Services Authority that is open on October 1, 2005, must be transferred to the Public Utilities Commission of Nevada.

Sec. 137. The Public Utilities Commission of Nevada and the Transportation Services Authority shall cooperate fully and shall take all reasonable steps before October 1, 2005, to ensure that the amendatory provisions of this act are carried out in an orderly fashion.

Sec. 138. On October 1, 2005, the State Controller shall transfer all assets and liabilities from the Transportation Services Authority Regulatory Fund to the Commission Transportation Regulatory Fund created pursuant to section 40 of this act.

Sec. 139. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 140. This act becomes effective upon passage and approval for the purpose of adopting regulations and conducting any preliminary activities necessary to ensure that the provisions of this act are carried out in an orderly fashion and on October 1, 2005, for all other purposes.

#### LEADLINES OF REPEALED SECTIONS

706.018 “Authority” defined.

706.021 “Broker” defined.

706.1511 Authority: Creation; appointment, terms and qualifications of members; restriction on other employment of members; members serve at pleasure of Governor.

706.1512 Authority: Designation of Chairman by Governor; Executive Officer; members in unclassified service of State.

706.1513 Suits by and against Authority.

706.1518 Authority: Biennial report; records open to public.

706.158 Inapplicability of provisions governing brokers to motor clubs and charitable organizations.

706.176 Employment of personnel by Authority.

706.2883 Person aggrieved by action or inaction of Taxicab Authority entitled to judicial review; regulations of Transportation Services Authority regarding its review of decisions of Taxicab Authority.”.

Amend the title of the bill to read as follows:

“AN ACT relating to transportation; revising provisions governing the registration of motor vehicles with a declared gross weight in excess of 26,000 pounds; abolishing the Transportation Services Authority; transferring the duties and responsibilities related to motor carriers and the storage of household goods and effects to the Public Utilities Commission of Nevada; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to registration of certain motor vehicles and abolishes Transportation Services Authority. (BDR 43-973)”.

Assemblyman Ocegüera moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 505.

Remarks by Assemblyman Ocegüera.

Motion carried.

Bill ordered transmitted to the Senate.

#### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Parks moved that the Assembly do not recede from its action on Senate Bill No. 356, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Parks.

Motion carried.

#### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Ocegüera, Parks, and Sibley as a first Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 356.

#### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 572—AN ACT relating to state financial administration; providing for the one-time issuance of rebate checks to reimburse certain residents of this State for the money those residents paid, directly or indirectly, to the State as taxes imposed on certain motor vehicle fuels; and providing other matters properly relating thereto.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:21 p.m.

#### ASSEMBLY IN SESSION

At 5:32 p.m.

Mr. Speaker presiding.

Quorum present.

#### REMARKS FROM THE FLOOR

Assemblyman Horne requested that the following letter be entered into the Journal.

To: STATE OF NEVADA 2005 ASSEMBLY—SPEAKER OF THE ASSEMBLY  
RICHARD PERKINS.

From: Chairman Nevada Veterans Commission. Representing 270,000 Veterans of Nevada. Ron Kruse, Master Chief Petty Officer USN retired.

I wish to commend this legislative body for the outstanding job that you have accomplished for the Veterans of this great state in this session.

We Veterans and Legislators accomplished more in this session than any other session during my tenure of 7 years on the Veterans Commission and 13 years of Veteran Support in this state.

I personally wish to thank Assemblyman Perkins for his leadership and guidance in bringing about the Armed Forces Day Event on May 20, 2005 on the Capitol Mall. I sincerely hope that this will become a legislative event off future years.

I would also like to bring to your attention that three of the members of the assembly also serve on Veterans Commission and Veterans cemetery committee. Assemblywoman Kathy McClain has served 3 years. I personally commend her for her leadership, guidance, and support of the veterans of Nevada. I salute you Kathy McClain.

Assemblyman Tom Grady, North Cemetery, Mark Manendo, South Cemetery. I commend you both for your continuing dedication, guidance, leadership, and above all, support. I salute you. It is only through your volunteerism and the veteran's organizations that we collectively have been able to move great strides in veteran services in the great state of Nevada. I sincerely hope that this year 2005 is the start of many good things to come in the future for all the Veterans of Nevada.

In closing, an old Navy saying: "May you all continue to have fair winds and following seas.

Very Respectfully,  
Ron Kruse, NVSC Chair

#### UNFINISHED BUSINESS

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills No. 19, 31, 35, 84, 128, 142, 168, 169, 183, 186, 188, 190, 193, 201, 219, 240, 250, 255, 280, 315, 334, 340, 342, 343, 345, 346, 348, 355, 364, 369, 371, 384, 388, 407, 415, 416, 425, 454, 455, 456, 493, 495, 496, 524, 526, 528, 531, 540, 561; Senate Bills Nos. 37, 45, 89, 96, 120, 126, 153, 181, 187, 189, 226, 233, 238, 245, 256, 300, 311, 332, 339, 358, 365, 397, 428, 431, 467, 477, 485, 509, 510, 511; Senate Concurrent Resolution No. 44.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Madonna Long.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Marich, Anne Debrutz, Penny Willes, Veronica Nelson, Vince Windous, Bruce Pay, Lynette Gust, Roger Miller, Bob Marich, Kevin Carson, Treena Whaley, Chao Whaley, Chris Sizemore, Angela Falge, danny Falge, Lori Carson, Julie Hulings, April Finch, Jennifer Farnworth, Angela Bellander, Tom Lawrence, Jennifer Anderson, Jean Steiner, Lori Sankovich, Vicki Deden, Sue Coleman, Nathan Boyter, Devin Bragg, Kasey Carson, Jordan Gust, Brendan Harmon, Aubrey Hughes, Ryan Large, Hannah Marich, Michaela Marich, Amber Martin, Samantha Marshall, Benjamin Miller, Bailey Moore, Liberty Nelson, Kelton Pay, Zoe Spicer, Michael Valencia, Jaclynn Vaught, Shandi Willes, Haidn Windous (Farris), Courtney Bellander, Kamber Carson, Richard Falge, Taryn Farnworth, Marissa Finch, Greylee Foster, Briana Harmon, Rebekah Hulings, Travis Ingle, Autumn Lawrence, Branden Levine, Kennedy Perez, Kenan Presswood, Kaylee Ruvalcaba, Boston Sizemore, Kassy Anne Smith, Zachary Sturm, Jordan Barnes, Olivia Blackham, Jami Cannon, Ryan Caulfield, Darleen Clark, Matthew Coburn, Taylor Coleman, Austin Garcia, Ryan Graham, Amanda Griffin, Tyler Harmon, Christopher Hibbs, Karyssa Hutchings, Riley Hutchinson, Karra Ingle, Huey Carl Johnson, Maataua Kingston, Keirra Leshner, Kevin Martin, D.J. Seely, Cierra Trujillo, Devante Valencia, and Alexa Zambon.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Cohenour and Joel Felix.

On request of Assemblywoman Parnell, the privilege of the floor of the Assembly Chamber for this day was extended to Mimi Loflin, Tammy Fulmer, John Combs, Victoria Radford, Margaret Elliott, JuneAnn Rees, James Apley, Brenda Ashland, Chantal Camarena, Jasmine Castillo, Natalie Cave, Jonathan Eckert, Kendal Elliott, Ashley Fulmer, Cristol Greer, Michelle Hoffman, Jazzmin Jacinto, Gavin Knight, Cheyenne Litherland, Erick Martinson, Andreah McCoy, Alejandro Monroy, Joshua Natali, Victoria Norton, Jose Nunez, Cody Radford, Christian Rees, Elizabeth Rees, Jacqueline Rodriguez, Cody Rogers-Shaw, Blake Sly, Jillian Truesdell, Arthur Watson, and Sydney Wirkus.

Assemblywoman Buckley moved that the Assembly adjourn until Saturday, June 4, 2005, at 10:00 a.m.

Motion carried.

Assembly adjourned at 5:32 p.m.

Approved:

RICHARD D. PERKINS  
*Speaker of the Assembly*

Attest: NANCY S. TRIBBLE  
*Chief Clerk of the Assembly*

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