

# FEASIBILITY OF CREATING A COMMISSION TO REGULATE TRANSPORTATION



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LEGISLATIVE COMMISSION  
OF THE  
LEGISLATIVE COUNSEL BUREAU  
STATE OF NEVADA

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## LEGISLATIVE COMMISSION

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Assembly Concurrent Resolution No. 40—Assemblyman Hayes

FILE NUMBER.....

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the regulation of air and surface transportation, including public transportation.

WHEREAS, The development, maintenance and regulation of safe and efficient public utilities are essential to the fiscal welfare and responsible growth of Nevada; and

WHEREAS, Substantial differences exist between public utilities supplying energy and water and those which provide air and surface transportation; and

WHEREAS, The responsibility for developing, maintaining and regulating air and surface transportation in Nevada is vested in several agencies; and

WHEREAS, The duties and functions of these regulating agencies are overlapping, which results in inefficiencies and duplications; and

WHEREAS, Many of the laws and regulations governing air and surface transportation in Nevada are inappropriate; now, therefore, be it

*Resolved by the Assembly of the State of Nevada, the Senate concurring,* That the legislative commission is hereby directed to study the laws and regulations which govern air and surface transportation, including public transportation, as well as the duties of the various state agencies which develop, maintain and regulate these services; and be it further

*Resolved,* That the legislative commission is also directed to determine whether the consolidations of certain agencies would create greater efficiency and eliminate wasteful duplicating activities, or, whether an independent agency to regulate air and surface transportation is needed: and be it further

*Resolved,* That the commission report the results of its findings and any recommended legislation to the 60th session of the Nevada legislature.



## REPORT OF THE LEGISLATIVE COMMISSION

To the Members of the 60th Session  
of the Nevada Legislature

This report is submitted in compliance with Assembly Concurrent Resolution No. 40 of the 59th session of the Nevada legislature, which directed the legislative commission to study the feasibility of creating a commission to regulate transportation.

The legislative commission appointed a subcommittee to make the study and recommend appropriate legislation to the next session of the legislature. Assemblyman Karen W. Hayes was designated chairman of the subcommittee and Assemblyman Robert R. Barengo vice chairman. The following legislators were named as members: Senators Keith Ashworth and William H. Hernstadt and Assemblymen Alan Glover, Nicholas J. Horn, John E. Jeffrey and James W. Schofield.

In this report, the subcommittee has attempted to present its findings and recommendations briefly and concisely. A great deal of data was gathered in the course of the study. Most of it was provided in the form of exhibits that became parts of minutes of the subcommittee. This information is on file in the research library of the legislative counsel bureau and readily available to any member.

The subcommittee was assisted in its study by a number of people including state agency officials, transportation industry representatives, local government officials and many interested citizens. A special note of thanks is in order for Chairman Heber Hardy of the public service commission and members of his staff who gave a great deal of time and cooperation to assist this study. Representatives of the department of motor vehicles were also quite supportive of the subcommittee's efforts.

The report is transmitted to the members of the 1979 legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Commission  
Legislative Counsel Bureau  
State of Nevada

Carson City, Nevada





## SUMMARY OF RECOMMENDATIONS

This summary represents the major conclusions reached by the subcommittee.

The subcommittee recommends that:

1. A set schedule of fines for infractions under chapter 706 of NRS be established and that the schedule provide flat fines and that the fines for subsequent infractions increase. (BDR 43-13)
2. A section similar to NRS 704.490 be added to chapter 706 of NRS. (BDR 58-16)
3. NRS 706.086 be repealed and that the vehicles of licensed contractors used only on a road construction site be exempted from the provisions of chapter 706. (BDR 58-18)
4. NRS 706.041 and NRS 706.126 be amended and NRS 706.406 be repealed to allow taxicabs to transport property in addition to passengers if the certificate of public convenience and necessity provides for it. (BDR 58-19 & BDR 58-33)
5. NRS 706.251 be amended to provide for reporting to the PSC of all motor carrier accidents in which there is a death or fatal injury and that the language in subsection 2 of the section be amended to provide that such reports are not open to the public. (BDR 58-20)
6. NRS 706.296 be amended to raise the amount of the required bond for COD common carriers from \$1,000 to \$5,000. (BDR 58-21)
7. NRS 706.666 to 706.691 be repealed. (BDR 58-24)
8. NRS 706.171 and 706.761 be amended to allow the PSC to compel the production of any records of any motor carrier whether in the state or not and whether a certificated carrier or not. (BDR 58-27)
9. Language be added to the judicial review provisions of chapter 706 of NRS to make it clear that these provisions are the exclusive means of judicial review for matters arising under chapter 706. (BDR 58-28)
10. NRS 706.711 be amended to make it clear that strict compliance with the section is required for the issuance of injunctive relief. (BDR 58-28)

11. NRS 706.8819 be amended to require that the taxicab authority have a recommendation on allocations from the administrator before it can hold hearings on allocations. (BDR 58-25)
12. Nonprofit carriers of the handicapped and the elderly be exempt from requirements to demonstrate public convenience or necessity but that they remain under PSC jurisdiction for safety and financial responsibility requirements. (BDR 58-14)
13. NRS 706.140 and 706.351 be amended to include the handicapped as a category for which reduced common carrier fares are allowed. (BDR 58-15)
14. NRS 706.181 be transferred to chapter 703 of NRS. (BDR 35-93)
15. Subsection 1 and 2 of NRS 706.331 be written in uniform and consistent language. (BDR 58-22)
16. The word "qualified" be removed from subsection 1 of NRS 706.431. (BDR 58-23)
17. Regional street and highway commissions be redesignated as regional transportation commissions and that their powers be expanded to include planning for, and operation of, public transportation (BDR 58-11) and that counties be placed in the same category as cities and be exempt from PSC certification requirements. (BDR 58-32)
18. A department of transportation be created from the present highway department. The DOT should be structured on a functional basis as opposed to a modal basis. The department should be headed by a director who shall not have to be an engineer. There should be a deputy director who also shall not have to be an engineer. There should be four assistant directors, each supervising a division one of which will be a planning division with clear statutory authority for multi-modal, integrated transportation planning. (BDR 35-93)

REPORT OF THE LEGISLATIVE COMMISSION'S  
SUBCOMMITTEE ON THE FEASIBILITY  
OF CREATING A COMMISSION TO  
REGULATE TRANSPORTATION

I. INTRODUCTION

Assembly Concurrent Resolution No. 40 of the 1977 session of the Nevada legislature directed the legislative commission " \* \* \* to study the laws and regulations which govern air and surface transportation \* \* \*" Specifically, the resolution directed study of three areas: (1) the regulation of transportation, (2) the proper state role in providing public transportation, and (3) the structure of state government for dealing with transportation issues. These three aspects of transportation provided the focus and structure of the study.

To carry out the study assignment, the legislative commission appointed a subcommittee composed of the following legislators:

Assemblyman Karen W. Hayes, Chairman, Las Vegas  
Assemblyman Robert R. Barengo, Vice Chairman, Reno  
Senator Keith Ashworth, Las Vegas  
Senator William H. Hernstadt, Las Vegas  
Assemblyman Alan Glover, Carson City  
Assemblyman Nicholas J. Horn, Las Vegas  
Assemblyman John E. Jeffrey, Henderson  
Assemblyman James W. Schofield, Las Vegas

The subcommittee held ten meetings. There were two meetings in Las Vegas, two in Reno, one in Elko and the rest in Carson City.

One meeting in Las Vegas and one in Reno were devoted primarily to public transportation while the other one in each of the major cities was devoted to problems of the transportation industry, especially the regulated industry. The question of the appropriate state government structure dealing with transportation was discussed at all meetings.

Testimony was received from a wide variety of sources. In addition to the usual public notice and media publicity, the subcommittee sent personal notices of its interest and its schedule to every holder of a public service commission certificate in any field of transportation. Hearing participants included interested citizens, elected and appointed local officials, state agency officials, volunteers involved in transportation, the elderly and the handicapped and out-of-state experts on various aspects of transportation. The cumulative effect of the hearing process was an accumulation of information from a cross section of transportation users, providers and regulators in Nevada.

## II. TRANSPORTATION REGULATION

Transportation regulation in Nevada is the responsibility of two state agencies. The department of motor vehicles regulates most aspects of safety on state highways including the licensing of operators and maintaining the safety of motor carriers. The public service commission (PSC) regulates the entry into transportation for hire based on the public convenience and necessity. It also regulates pricing of transportation services. In addition, the PSC regulates certain aspects of transportation safety.

The subcommittee received very little testimony concerning safety regulation. The fundamental questions that formed the basis for much testimony and discussion was whether the regulation of transportation in Nevada should be by the PSC or some other agency.

As a general principle, the subcommittee accepted continued regulation of entry and pricing in transportation as being in the basic interest of the people of the state. The possible gains by virtue of the increased competition brought about by deregulation were not deemed worth the unknown risks of such a course.

Also at the general policy level, the subcommittee decided that the economic regulation of transportation should remain with the public service commission. By far the great majority of states regulate transportation through the general utilities regulatory structure and the subcommittee could see no significant advantage to having a separate regulatory commission for transportation.

With these general principles established, the subcommittee nevertheless identified a number of specific problem areas in transportation regulation. The identification of these problems was facilitated by the work of an ad hoc working group consisting of representatives and members of the transportation industry, the PSC and the attorney general's office working with the staff of the legislative counsel bureau. This group compiled an extensive list of problems and presented alternative solutions for the consideration of the subcommittee.

The subcommittee heard a good deal of testimony about inadequacies in enforcement by the PSC. In some cases, the PSC acknowledged enforcement problems. The solutions to this problem seem to be first with the PSC and second with changes in the law. A particular problem involves the schedule of fines for infractions of the law regarding transportation regulation. Currently, the penalty for infractions can be any fine within a range. There seems to be a tendency to levy the minimum fine even for repeated offenses. The result is that it is cheaper in many

cases to pay a minimum fine and keep on hauling in violation of the law. The fine becomes an acceptable business expense for the unregulated hauler. The subcommittee discussed the advisability of mandating fines rather than leaving them to the discretion of the judicial branch. The discussion concerned separation of powers questions and one of precedent. It was noted, however, that there is 25 years of precedent in NRS 484.757 which actually states that fines may be neither waived nor suspended.

Therefore, the subcommittee recommends that:

A set schedule of fines for infractions under chapter 706 of NRS be established and that the schedule provide flat fines and that the fines for subsequent infractions increase. (BDR 43-13)

In chapter 704 of NRS, there is a provision for the PSC to order the appearance of witnesses on behalf of either party in a commission hearing. This is NRS 704.490. The section provides for payment of fees and mileage the same as for civil actions in the courts. There is no comparable section in chapter 706 on motor carriers. The subcommittee felt the same conditions should apply in the laws for utilities and motor carriers.

Therefore, the subcommittee recommends that:

A section similar to NRS 704.490 be added to chapter 706 of NRS. (BDR 58-16)

The subcommittee heard testimony to the effect that the exception to the definition of "highway" found in NRS 706.081, subsection 2, paragraph (a) is used as a subterfuge to avoid certification. The intent of the exception was to allow contractors building roads an exception to certification requirements. Because of the definition of "highway under construction or reconstruction," it has been possible for noncertificated carriers to do hauling for which the exception was not intended. The subcommittee agreed to simplify the exemption by adding to the listing of exemptions from PSC regulation in NRS 706.736 one to cover, narrowly, a contractor's own equipment involved in work on public roads.

Therefore, the subcommittee recommends that:

NRS 706.086 be repealed and that the vehicles of licensed contractors used only on a road construction site be exempted from the provisions of chapter 706. (BDR 58-18)

The subcommittee learned that in some parts of the state, the only public transportation is the taxicab. In all parts of the state, it was clear that the taxicab is a very important part of the overall transportation picture. In some areas served by cabs, there are no common carriers of property. Except for large items, it is quite feasible for taxicabs to transport property as well as people. The subcommittee does not intend, however, that cabs should compete with common carriers.

Therefore, the subcommittee recommends that:

NRS 706.041 and NRS 706.126 be amended and NRS 706.406 be repealed to allow taxicabs to transport property in addition to passengers if the certificate of public convenience and necessity provides for it. (BDR 58-19 and BDR 58-33)

NRS 706.251 provides for the reporting of all motor carrier accidents to the public service commission. Such reports, if they were in fact being made now, would constitute a great volume of information that could not be analyzed or otherwise beneficially used. The main purpose of this section is to assist the PSC in monitoring operator safety. Both the motor transport industry and the PSC agreed that it would be better to have a more limited but workable reporting system.

Therefore, the subcommittee recommends that:

NRS 706.251 be amended to provide for reporting to the PSC of all motor carrier accidents in which there is a death or a fatal injury and that the language in subsection 2 of the section be amended to provide that such reports are not open to the public. (BDR 58-20)

NRS 706.296 provides that all common carriers that deal in cash on deliveries (COD) have a \$1,000 bond. The subcommittee concluded that this amount was quite low considering the value of items commonly delivered by common carriers. This conclusion was reinforced by the experience of a carrier during the period of the study in which the carrier was several thousand dollars in arrears in paying shippers for items delivered.

Therefore, the subcommittee recommends that:

NRS 706.296 be amended to raise the amount of the required bond for COD common carriers from \$1,000 to \$5,000. (BDR 58-21)

NRS 706.666 requires the approval of the PSC for a carrier to borrow money for a period in excess of 1 year. The subcommittee agreed with the testimony that this was an unrealistic and unmanageable requirement. When chapter 706 was created in 1971,

this section was taken from chapter 704. It is a requirement that still is appropriate for utilities but which seems to serve little purpose for motor carriers.

Therefore, the subcommittee recommends that:

NRS 706.666 to 706.691 be repealed. (BDR 58-24)

The subcommittee received some testimony indicating difficulty in getting motor carriers to provide records that the PSC might need to carry out its regulatory duties. The subcommittee felt that based on probable cause, the PSC should have access to any records of any motor carrier, in state or not.

Therefore, the subcommittee recommends that:

NRS 706.171 and 706.761 be amended to allow the PSC to compel the production of any records of any motor carrier whether in the state or not and whether a certificated carrier or not. (BDR 58-27)

Under current law, the judicial review provisions of NRS chapter 706 presumably take precedence over the judicial provisions of chapter 233B. However, in a recent court decision, a district court found that because of a difference in language between NRS 706.706 and 706.711 on the one hand, and NRS 233B.130 et seq. on the other, the judicial review provisions of chapter 706 do not prevail in all cases. These language differences should be corrected so that the judicial review provisions of chapter 706 of NRS constitute the exclusive means of appealing a commission decision.

Therefore, the subcommittee recommends that:

Language be added to the judicial review provisions of chapter 706 of NRS to make it clear that these provisions are the exclusive means of judicial review for matters arising under chapter 706. (BDR 58-28)

There is some question as to whether or not a district court is limited to granting injunctive relief in the event of strict compliance with NRS 706.711. The indication has been that a court may issue injunctive relief pursuant to its general equitable powers even if there has not been strict compliance with NRS 706.711. This question should be resolved and the legislature should make it clear that strict compliance is required for issuance of injunctive relief.

Therefore, the subcommittee recommends that:

NRS 706.711 be amended to make it clear that strict compliance with the section is required for the issuance of injunctive relief. (BDR 58-28)

The subcommittee heard considerable testimony on the regulation of taxicabs. There are currently two agencies regulating cabs. The state taxicab authority regulates cabs in Clark county. In the rest of the state, the PSC regulates cabs. The subcommittee supports a continuation of this structure. Within the regulation of the taxicab authority, however, some problems were identified.

NRS 706.8819, subsection 4 gives to the taxicab authority the power to hold hearings and make decisions on the allocation of taxicabs. NRS 706.8823 gives the administrator of the taxicab authority the power to hold hearings on taxicab allocations and to make recommendations to the authority. The subcommittee felt that the legislative intent in the first place was to have a two-step process to require that there must be a recommendation on allocations made by the administrator before the authority can hold allocation hearings.

Therefore, the subcommittee recommends that:

NRS 706.8819 be amended to require that the taxicab authority have a recommendation on allocations from the administrator before it can hold hearings on allocations. (BDR 58-25)

In hearings dealing with public transportation and with regulation, there was much testimony about the proliferation of various nonprofit, special clientele transportation services such as vans for the handicapped and the elderly. Most of these operations are federally funded under several programs. These transportation modes fall under PSC regulation under current law. In fact, they do not apply for certification and, in general, are unregulated by anyone. The subcommittee felt that the nonprofit carriers of the handicapped and the elderly should not have to have certificates of convenience and necessity, but they should remain subject to PSC regulation for safety inspections and financial responsibility requirements.

Therefore, the subcommittee recommends that:

Nonprofit carriers of the handicapped and the elderly be exempt from requirements to demonstrate public convenience or necessity but that they remain under PSC jurisdiction for safety and financial responsibility requirements. (BDR 58-14)



NRS 706.351 lists several categories of people for whom common carriers may have reduced fares. The elderly represent one of the categories. Under current law, common carriers have no authority to have reduced fares for the handicapped. The law now does not require reduced fares, only allows them. The subcommittee felt that carriers should be allowed to offer reduced fares to the handicapped if they choose.

Therefore, the subcommittee recommends that:

NRS 706.140 and 706.351 be amended to include the handicapped as a category for which reduced common carrier fares are allowed. (BDR 58-15)

The subcommittee became aware of several matters of statutory inconsistencies in its review of NRS chapter 706. There is little substantive importance to the several recommendations which follow but they will serve to increase the clarity and effectiveness of this chapter.

NRS 706.181 gives the police power for the enforcement of chapters 704, 705 and 706 of NRS to the PSC. It seems that this section should be in chapter 703 of NRS which includes the general powers of the PSC.

Therefore, the subcommittee recommends that:

NRS 706.181 be transferred to chapter 703 of NRS. (BDR 35-93)

NRS 706.331 deals with the power of the PSC to change rates or practices to assure that they are just and reasonable. One subsection deals with rates, another with practices. The language in the two is not parallel which causes confusion since the remedies are parallel.

Therefore, the subcommittee recommends that:

Subsection 1 and 2 of NRS 706.331 be written in uniform and consistent language. (BDR 58-22)

Subsection 1 of NRS 706.431 uses the term "qualified" for an applicant to whom a permit may be issued. The same section then goes on to set criteria by which an applicant may qualify. The subcommittee agreed that it is confusing to speak of a qualified applicant and then follow that with criteria for qualification.

Therefore, the subcommittee recommends that:

The word "qualified" be removed from subsection 1 of NRS 706.431. (BDR 58-23)

### III. PUBLIC TRANSPORTATION

The subcommittee held two hearings, one in Las Vegas and one in Reno, devoted almost entirely to urban mass transportation. There were two principal concerns in this area. The first was to understand the current public transportation situation statewide but especially within the two metropolitan areas. The second was to determine the appropriate state role in encouraging adequate public transportation.

The subcommittee concluded that public transportation within the urbanized areas of Clark and Washoe counties is inadequate. The bus company in Las Vegas has the highest fares in the United States and still claims it is not making money. The fares in Reno are almost as high and that company also claims to be a financial failure. Both private bus companies expressed the opinion that there was no future for private enterprise in public bus transportation. This view was affirmed by several witnesses knowledgeable about public transportation both in the state and without.

There was also testimony to the effect that the Las Vegas and Reno areas had both lost several thousand dollars of federal urban transit money because of an inability to provide local matching funds. Part of this inability to take full advantage of federal funds is the tenuous financial bases of the regional street and highway commissions in Clark and Washoe counties. The money, under current law, must come from local general governments and they are reluctant to contribute to anything they cannot control.

The subcommittee felt that the creation of a state department of transportation would enhance the ability of local entities to plan and operate mass transit systems. Further, the subcommittee felt that there should be a regional entity charged with mass transit responsibility. Under present law, only cities have the power to operate systems both within and without their boundaries. Counties have no comparable powers. The subcommittee did not want to see cities running multiple bus lines in a single urban area. Neither did they want to make transportation strictly a county function. Further, the subcommittee decided that the regional street and highway commissions, composed as they are of elected officials representing all the general purpose governments in an area, were the logical entities to take on areawide public transportation. In both Clark and Washoe counties, these commissions have already become involved with bus systems. In other areas, and possibly in Clark and Washoe counties, county government as well as city government may find it desirable to provide public transportation.

Therefore, the subcommittee recommends that:

Regional street and highway commissions be redesignated as regional transportation commissions and that their powers be expanded to include planning for, and operation of, public transportation (BDR 58-11), and that counties be placed in the same category as cities and be exempt from PSC certification requirements. (BDR 58-32)

The subcommittee can foresee the necessity for greater state involvement in public transportation but in the absence of a department of transportation that can plan for total transportation needs and integrate the several modes, little additional state action is possible. It will be the responsibility of a state department of transportation (DOT), if created, to develop the structure for involvement of the state in public transportation.

The subcommittee gave a great deal of consideration to the creation of urban transportation authorities patterned on the Utah Transit Authority which serves the Greater Salt Lake area. Such an approach may in fact be necessary in the future. There is not, in Reno or Las Vegas, the complex jumble of bus companies that existed in Utah 10 years ago. The subcommittee is hopeful that existing regional mechanisms are capable of taking on a public transportation role. If they do not prove capable, it may be necessary to look at other approaches such as urban transit authorities with their own revenue sources.

#### IV. DEPARTMENT OF TRANSPORTATION

In the area of transportation, Nevada has what may be characterized as a traditional governmental structure. Each mode of transportation or specialized function, such as licensing of vehicles, has been administered by a single, independent agency of state government. Up until 15 years ago, virtually every state had a similar structure. Hawaii created the first state department of transportation in 1959. Since then, a total of 32 states have created DOT's.

The concept behind a department of transportation is that moving people and goods is a single, interactive and interdependent process. This being the case, there is every reason to coordinate the several modes of transportation to use most efficiently total transportation resources. A majority of the states have concluded that this coordination of modes and utilization of resources can be best achieved by the creation of a single state agency with responsibility for all aspects of transportation. There are several specific motivations for the creation of state DOT's.

Legislative reapportionment based on one man-one vote came to most states in the latter 1960's. With reapportionment came two concerns related to state DOT's. First, there was an increased concern for mass transit and a corresponding decrease in concern for highways in the reapportioned, far more urban, legislatures. Second, the reapportionment legislatures were more willing to centralize executive power and to give governors a stronger management hand. This willingness was reflected in the several large scale reorganizations in the states which included the DOT concept.

Unrelated to reapportionment but also relevant to the creation of state DOT's was the creation in 1966 of the federal Department of Transportation. States found it easier to communicate with the federal transportation agency if they, too, were set up as an integrated transportation agency. Easier communication translates into greater likelihood of obtaining various federal grant moneys for transportation. Many federal programs in highway and, especially, mass transportation require comprehensive transportation planning as conditions precedent to getting grant money.

The foregoing reasons can be considered external motivations for the creation of DOT's. There are also internal reasons. The development of the desire by governors and legislators for balanced multi-modal transportation systems suggested a single agency approach. Related to this desire has been a concern for coordinating transportation with other state interests such as land use planning, environmental protection and economic development. Fitting transportation into these other concerns is greatly facilitated by having a single transportation agency. State DOT's also have the potential for reducing duplication by several agencies involved in transportation. Certainly this is true in common support areas such as legal counsel, land acquisition, financial operations and planning. A single transportation planning agency fits well with the desire for sound state comprehensive planning.

The subcommittee understood and appreciated the theory behind state DOT's. There was little doubt that a DOT was a more rational government structure than the system we have at present. The practical question became one of whether the benefits of a DOT were worth the trouble of creating it. In other words, what was the increment of improvement brought about by a state DOT compared to a traditional transportation structure?

This question became better focused after a seminar on state DOT's sponsored by the National Conference of State Legislatures (NCSL). The seminar was held in Carson City specifically for the subcommittee's benefit. Legislators from Iowa and Oklahoma and

a state agency head from Oklahoma explained the creation of DOT's in their respective states. In addition, the NCSL Washington, D.C., transportation specialist and the chief Washington, D.C., spokesman for the American Road and Transportation Builders provided an assessment of the present and future value of having a state DOT in terms of dealing with the federal government.

The subcommittee found the seminar convincing and concluded that the current and probable value of a state DOT was well worth the effort necessary to create it. In particular, the subcommittee concluded that forthcoming federal legislation combined with the rapid urban growth in Nevada made it advisable, even necessary, to develop an integrated and coordinated transportation planning and operation agency with statewide responsibilities for transportation in all modes and in all areas. The subcommittee does not intend that such an agency would take over any local transportation responsibilities but rather that it would provide technical assistance, and aid in relations with the federal government. The subcommittee also does not intend that a DOT create any new layer of bureaucracy but rather to reorient the responsibilities of the present organization.

Therefore, the subcommittee recommends that:

A department of transportation be created from the present highway department. The DOT should be structured on a functional basis as opposed to a modal basis. The department should be headed by a director who shall not have to be an engineer. There should be a deputy director who also shall not have to be an engineer. There should be four assistant directors, each supervising a division one of which will be a planning division with clear statutory authority for multi-modal, integrated transportation planning. (BDR 35-93)



SUMMARY--Provides authority for establishment and operation of regional systems of transportation. (BDR 58-11)  
Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

AN ACT relating to transportation; redesignating the "regional street and highway commission" as the "regional transportation commission," vesting in the commission the authority to establish and operate regional systems of transportation and exempting the commission from the requirement of obtaining a certificate of public convenience and necessity; and providing other matters properly relating thereto.

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

Section 1. NRS 373.020 is hereby amended to read as follows:

373.020 As used in this chapter, unless the context otherwise requires:

1. "Acquisition" or "acquire" means the opening, laying out, establishment, purchase, construction, securing, installation, reconstruction, lease, gift, grant from the United States of America, any agency, instrumentality or corporation thereof, the State of Nevada, any body corporate and politic therein, any corporation, or any person, the endowment, bequest, devise, condemnation, transfer, assignment, option to purchase, other contract, or other acquirement (or any combination thereof) of any project, or an interest therein, herein authorized.
2. "Board" means the board of county commissioners.
3. "City" means an incorporated city or incorporated town.
4. "Commission" means the regional [street and highway] transportation commission.

5. "Cost of the project," or any phrase of similar import, means all or any part designated by the board of the cost of any project, or interest therein, being acquired, which cost, at the option of the board may include all or any part of the incidental costs pertaining to the project, including without limitation preliminary expenses advanced by the county from money available for use therefor or any other source, or advanced by any city with the approval of the county from money available therefor or from any other source, or advanced by the State of Nevada or the Federal Government, or any corporation, agency or instrumentality thereof, with the approval of the county (or any combination thereof), in the making of surveys, preliminary plans, estimates of costs, other preliminaries, the costs of appraising, printing, estimates, advice, contracting for the services of engineers, architects, financial consultants, attorneys at law, clerical help, other agents or employees, the costs of making, publishing, posting, mailing and otherwise giving any notice in connection with the project, the taking of options, the issuance of bonds and other securities, contingencies, the capitalization with bond proceeds of any interest on the bonds for any period not exceeding 1 year and of any reserves for the payment of the principal of and interest on the bonds, the filing or recordation of instruments, the costs of short-term financing, construction loans and other temporary loans of not exceeding 5 years appertaining to the project and of the incidental expenses incurred in connection with such financing or loans, and all other expenses necessary or



desirable and appertaining to any project, as estimated or otherwise ascertained by the board.

6. "Federal securities" means bills, certificates of indebtedness, notes, bonds or similar securities which are direct obligations of, or the principal and interest of which securities are unconditionally guaranteed by, the United States of America.

7. "Improvement" or "improve" means the extension, widening, lengthening, betterment, alteration, reconstruction or other major improvement (or any combination thereof) of any project, or an interest therein, herein authorized. "Improvement" or "improve" does not include renovation, reconditioning, patching, general maintenance or other minor repair.

8. "Project" means street and highway construction, including without limitation the acquisition and improvement of any street, avenue, boulevard, alley, highway or other public right-of-way used for any vehicular traffic, and including a sidewalk designed primarily for use by pedestrians, and also including without limitation grades, regrades, gravel, oiling, surfacing, macadamizing, paving, crosswalks, sidewalks, pedestrian rights-of-way, driveway approaches, curb cuts, curbs, gutters, culverts, catch basins, drains, sewers, manholes, inlets, outlets, retaining walls, bridges, overpasses, tunnels, underpasses, approaches, sprinkling facilities, artificial lights and lighting equipment, parkways, grade separators, traffic separators, and traffic control equipment, and all appurtenances and incidentals, or any combination thereof, including without limitation the acquisition

and improvement of all types of property therefor.

9. "Town" means an unincorporated town or city.

Sec. 2. NRS 373.030 is hereby amended to read as follows:

373.030 In any county for all or part of which a streets and highways plan has been adopted by the county or regional planning commission, the board may by ordinance:

1. Create a regional [street and highway] transportation commission; and

2. Impose a tax on motor vehicle fuel as provided in this chapter.

Sec. 3. NRS 373.140 is hereby amended to read as follows:

373.140 1. After the enactment of an ordinance as authorized in NRS 373.030, all street and highway construction projects in the county which are proposed to be financed from the county motor vehicle fuel tax shall be first submitted to the regional [street and highway] transportation commission.

2. Where the project is within the area covered by the streets and highways plan described in NRS 373.030, the commission shall evaluate it in terms of:

- (a) The priorities established by the plan;
- (b) The relation of the proposed construction to other projects already constructed or authorized;
- (c) The relative need for the project in comparison with others proposed; and
- (d) The funds available.

*flush* If the commission approves the project, the board may authorize

the project, using all or any part of the proceeds of the county motor vehicle fuel tax authorized by this chapter (except to the extent any such use is prevented by the provisions for direct distribution required by NRS 373.150 or is prevented by any pledge to secure the payment of outstanding bonds, other securities, or other obligations incurred hereunder, and other contractual limitations appertaining to such obligations as authorized by NRS 373.160) and the proceeds of revenue bonds or other securities issued or to be issued as provided in NRS 373.-130. If the board authorizes the project the responsibilities for letting construction and other necessary contracts, contract administration, supervision and inspection of work and the performance of other duties related to the acquisition of the project shall be specified in written agreements executed by the board and the governing bodies of the cities and towns within the area covered by the streets and highways plan described in NRS 373.030.

3. Where the project is outside the area covered by the plan, the commission shall evaluate it in terms of:

- (a) Its relation to the streets and highways plan;
- (b) The relation of the proposed construction to other projects constructed or authorized;
- (c) The relative need for the proposed construction in relation to others proposed by the same city or town; and
- (d) The availability of funds.

*flush* If the commission approves the project, the board shall direct

the county treasurer to distribute the sum approved to the city or town requesting the project, in accordance with NRS 373.150.

4. In counties having a population of less than 100,000, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, the commission shall:

- (a) Certify the adoption of the plan;
- (b) Submit a copy of the plan to the department; and
- (c) Certify its compliance with subsections 2 and 3 in the adoption of the plan.

Sec. 4. NRS 408.200 is hereby amended to read as follows:

408.200 1. The engineer shall investigate and determine the methods of highway construction best adapted to the various sections of the state, and shall establish standards and specifications for the construction and maintenance of the highways, giving due regard to the topography, natural conditions, character and availability of road-building materials.

2. The engineer is authorized to construct, reconstruct, operate and maintain materials testing and research laboratory facilities as may be necessary to establish and maintain such standards and specifications.

3. The engineer may be consulted by county officials, including members of regional [street and highway] transportation commissions, having authority over streets and highways within their respective counties relative to any question involving such streets and highways; and the engineer may, in like manner,

obtain from such county officials all such information or assistance as they may render in the performance of his duties with their county, and such county officials shall supply such information when requested by the engineer.

Sec. 5. NRS 706.401 is hereby amended to read as follows:

706.401 An incorporated city [shall not be] or a regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of passengers.

Sec. 6. Chapter 710 of NRS is hereby amended by adding thereto a new section which shall read as follows:

A regional transportation commission may establish or operate a system of public transportation.

Sec. 7. NRS 710.290, 710.300, 710.310, 710.320 and 710.390 are hereby repealed.



SUMMARY--Provides schedule of penalties for certain violations of laws relating to regulation and licensing of motor carriers. (BDR 43-13)

Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

AN ACT relating to transportation; providing a graduated schedule of minimum penalties for the violation of certain laws relating to weight limitations and to the regulation and licensing of motor carriers; and providing other matters properly relating thereto.

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

Section 1. NRS 484.757 is hereby amended to read as follows:

484.757 1. Every person convicted of a violation of any weight limitation provision of NRS 484.745 to 484.755, inclusive, and every person, company, association or corporation, either personally or by his or its agent or employee, who is found guilty of violating any weight limitation of NRS 484.745 to 484.755, inclusive, shall be punished by a fine which shall equal the amounts specified in the following table:

Pounds of Excess Weight	Fine
2,001-- 2,500.....	\$20
2,501-- 3,000.....	25
3,001-- 3,500.....	30
3,501-- 4,000.....	35
4,001-- 4,500.....	40
4,501-- 5,000.....	60
5,001-- 5,500.....	80

Pounds of Excess Weight	Fine
5,501-- 6,000.....	100
6,001-- 6,500.....	120
6,501-- 7,000.....	150
7,001-- 7,500.....	175
7,501-- 8,000.....	\$200
8,001-- 8,500.....	225
8,501-- 9,000.....	275
9,001-- 9,500.....	325
9,501--10,000.....	375
10,001--10,500.....	400
10,501--11,000.....	425
11,001--11,500.....	450
11,501--12,000.....	475
12,001 and over.....	500

2. The maximum fine under this section [shall be] is \$500.

3. [The fines provided herein shall be mandatory and shall not be waived or suspended under any circumstances by the court.

4.] Any bail allowed must not be less than the appropriate minimum fine provided for in this section.

Sec. 2. NRS 706.756 is hereby amended to read as follows:

706.756 1. Any person who:

[1.] (a) Operates in any carriage to which NRS 706.011 to 706.861, inclusive, apply without first obtaining a certificate, permit or license, or in violation of the terms thereof; [or

2.] (b) Fails to make any return or report required by NRS



706.011 to 706.861, inclusive, or by the commission or the department under the terms of NRS 706.011 to 706.861, inclusive; [or

3.] (c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive; [or

4.] (d) Fails to obey any order, decision or regulation of the commission or the department; [or

5.] (e) Procures [or] , aids or abets any person in his failure to obey such order, decision or regulation; [or

6.] (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; [or

7.] (g) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of this chapter; [or

8.] (h) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter; [or

9.] (i) Operates a vehicle without having the proper identifying device; [or

10.] (j) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been canceled, revoked, suspended or altered; [or

11.] (k) 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

[12.] (1) Refuses or fails to surrender to the commission or department any certificate, permit, license or identifying device which has been suspended, canceled or revoked as provided in this chapter,

is guilty of a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county jail for not less than 10 days nor more than 6 months, or by both fine and imprisonment.]

2. A person convicted of a misdemeanor listed in subsection 1 within 12 consecutive months shall be punished:

(a) For the first offense by a fine of not less than \$100 nor more than \$500;

(b) For the second offense by a fine of not less than \$200 nor more than \$500;

(c) For the third offense by a fine of not less than \$300 nor more than \$500;

(d) For the fourth offense by a fine of not less than \$400 nor more than \$500;

(e) For the fifth and each subsequent offense by a fine of \$500; or

(f) For any offense, by imprisonment in the county jail for not less than 10 days nor more than 6 months, or by both the prescribed fine and imprisonment.

3. Any bail allowed must not be less than the appropriate minimum fine provided for by this section.

SUMMARY--Exempts certain transportation of elderly and handicapped persons from requirement of obtaining certificate of public convenience and necessity. (BDR 58-14)  
Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

AN ACT relating to transportation; exempting nonprofit carrier of elderly and handicapped persons from requirement of obtaining certificate of public convenience and necessity; and providing other matters properly relating thereto.

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

Section 1. NRS 706.386 is hereby amended to read as follows:

706.386 1. It is unlawful:

[1. For] (a) Except as provided in subsection 2, for any  
common motor carrier to operate as a carrier of intrastate commerce within this state without first having obtained a certificate of public convenience and necessity from the commission.

[2. Notwithstanding any other provision of this chapter, for]  
(b) For a broker to act as such on or off the highways of this state without having obtained a certificate of public convenience and necessity from the commission.

2. A nonprofit carrier of elderly or physically handicapped persons is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only.



SUMMARY--Permits reduced rates for transportation for elderly and handicapped persons. (BDR 58-15)

Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

AN ACT relating to transportation; permitting a public utility or common carrier to give free or reduced rates of transportation to elderly or handicapped persons; and providing other matters properly relating thereto.

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

Section 1. NRS 704.140 is hereby amended to read as follows:

704.140 1. It [shall be] is unlawful for any person engaged in business as a public utility to give or furnish to any state, district, county or municipal officer of this state, or to any person other than those named herein, any pass, frank, free or reduced transportation, or for any state, district, county or municipal officer to accept any pass, frank, free or reduced transportation.

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

3. This chapter does not prohibit a public utility from giving free or reduced rates for transportation of:

(a) Its own officers, commission agents, employees, attorneys, physicians and surgeons and members of their families, and pensioned and disabled ex-employees, their minor children or depen-

dents, or witnesses attending any legal investigation in which such carrier is interested.

(b) Inmates of hospitals or charitable institutions [.] , persons over 65 years of age, and persons who are physically handicapped and who present a written statement from a physician to that effect.

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

(d) Persons providing relief in cases of common disaster, or for contractors and their employees, in carrying out their contract with such carrier.

(e) Peace officers when on official duty.

(f) Attendants of livestock or other property requiring the care of an attendant, including return passage to the place of shipment, if there is no discrimination [between] among such shippers.

(g) Employees of other carriers subject to regulation in any respect by the commission, or for the officers, agents, employees, attorneys, physicians and surgeons of such other carriers, and the members of their families.

4. This chapter does not prohibit public utilities from giving reduced rates for transportation to:

(a) Indigent, destitute or homeless persons, when under the care or responsibility of charitable societies, institutions or

hospitals, and the necessary agents employed in such transportation.

(b) Students of institutions of learning.

5. "Employees," as used in this section, includes furloughed, pensioned and superannuated employees, and persons who have become disabled or infirm in the service of any such carrier, and persons traveling for the purpose of entering the service of any such carrier.

6. Any person violating the provisions of this section shall be punished by a fine of not more than \$500.

Sec. 2. NRS 704.143 is hereby amended to read as follows:

704.143 1. All [visually or] physically handicapped persons are entitled to the full and equal enjoyment of the facilities of any common carrier or other means of public conveyance and transportation operating within this state.

2. It is unlawful for any person, firm, partnership or corporation to deny any of the privileges granted by subsection 1.

3. It is unlawful for any common carrier or other means of public conveyance or transportation operating within this state, to deny the equal enjoyment of its services and facilities to a physically [or visually] handicapped person by the arbitrary, capricious or unreasonable interference, direct or indirect, with the use of aids and appliances used by such physically [or visually] handicapped person for purposes of mobility.

Sec. 3. NRS 706.351 is hereby amended to read as follows:

706.351 1. It is unlawful for:

(a) A common or contract motor carrier to furnish any pass, frank, free or reduced 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 such pass, frank, free or reduced transportation.

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

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

(a) Its own officers, commission agents, employees, 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 65 years of age [.] , and persons who are physically handicapped and who present a written statement from a physician to that effect.

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

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

(e) Contractors and their employees, in carrying out the provisions of any contract to which the carrier is a party.

(f) Attendants of livestock or other property requiring the



care of an attendant, who shall be given return passage to the place of shipment, provided there is no discrimination among shippers of a similar class.

(g) Officers, agents, employees, 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, provided there is an interchange of such free or reduced rate 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.

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, employees, 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) Contractors and their employees in carrying out the provisions of any contract to which the carrier is a party.

5. This section does not prohibit the 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 commission to be in the public interest.

6. "Employees," as used in this section, 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 for the purpose of entering the service of any such carrier.

Sec. 4. NRS 706.361 is hereby amended to read as follows:

706.361 1. All [visually or] physically handicapped persons are entitled to the full and equal enjoyment of the facilities of any common motor carrier of passengers or other means of public conveyance and transportation operating within this state.

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

3. It is unlawful for any common carrier or other means of public conveyance or transportation operating within this state, to deny the equal enjoyment of its services and facilities to a physically [or visually] handicapped person by the arbitrary, capricious or unreasonable interference, direct or indirect, with the use of aids and appliances used by such physically [or visually] handicapped person for purposes of mobility.

SUMMARY--Provides for enforcement of subpoenas of public service commission. (BDR 58-16)

Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

AN ACT relating to transportation; providing for the enforcement of subpoenas of the public service commission of Nevada; and providing other matters properly relating thereto.

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

Section 1. Chapter 703 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. The district court in and for the county in which any investigation or hearing is being conducted by the commission pursuant to the provisions of this Title 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 commission.

2. If any witness refuses to attend or testify or produce any papers required by such subpoena the 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;

*flush* (c) That the witness has failed and refused to attend or produce the papers required by subpoena before the commission 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 before the commission.

3. The court, upon petition of the 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 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 commission. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued by the commission, the court shall thereupon enter an order that the witness appear before the commission 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 shall be dealt with as for contempt of court.

Sec. 2. NRS 704.490 is hereby amended to read as follows:

704.490 1. Either party [shall be] is entitled to [an order] a subpoena issued by the commission for the appearance of one or more witnesses or the production of books, papers and documents containing material testimony.

2. [Witnesses] A witness appearing upon the [order] subpoena

of the commission [shall be] is entitled to the same fees and mileage as [witnesses] a witness in civil actions in the courts of the state, and the [same] fees and mileage shall be paid out of the state treasury in the same manner as other claims against the state are paid. No fees or mileage [shall] may be allowed unless the chairman of the commission [shall certify] certifies to the correctness of the claim.

Sec. 3. Chapter 706 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. Either party is entitled to a subpoena issued by the commission for the appearance of one or more witnesses or the production of books, papers and documents containing material testimony.

2. A witness appearing upon the subpoena of the commission is entitled to the same fees and mileage as a witness in civil actions in the courts of the state, and the fees and mileage shall 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 commission certifies to the correctness of the claim.



SUMMARY--Exempts equipment of contractors used on highways under construction or reconstruction. (BDR 58-18)  
Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

AN ACT relating to transportation; exempting equipment of contractors which is used on highways under construction or reconstruction; and providing other matters properly relating thereto.

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

Section 1. NRS 706.081 is hereby amended to read as follows:

706.081 [1.] "Highway" means every street, road or thoroughfare of any kind used by the public [.] and maintained at public expense.

[2. "Highway" does not include:

(a) That portion of a highway under construction or reconstruction.

(b) Any highway constructed by private individuals for the use of a private enterprise, although such highway may be used occasionally by persons other than the individuals constructing such highway or who use such highway in furtherance of a private enterprise if no public funds whatsoever are currently used in the maintenance of such highway.]

Sec. 2. NRS 706.736 is hereby amended to read as follows:

706.736 Except as provided in NRS 706.281, none of the provisions of NRS 706.011 to 706.791, inclusive, apply to:

1. Any vehicle operated wholly within the corporate limits of

a city, except vehicles operated as common or contract motor carriers, to which all such provisions except NRS 706.491 to 706.536, inclusive, shall apply, but if the corporate limits of any such city are extended or changed to include within such corporate limits any route, area, highway or terminus lawfully serviced, used or employed at the time of such extension or change of such corporate limits by any such carrier, to which a certificate of public convenience and necessity, permit or license has been issued, the provisions of this chapter shall apply, while any such carrier servicing, using or employing such route, area, highway or terminus in accordance with such certificate, permit or license shall have and continue to have such certificate, permit or license or any renewal thereof, and shall not be in default of any payment for any license, or of any liability insurance policy, or certificate of insurance or bond provided by this chapter.

2. United States mail carriers operating star routes when not engaged in other business as a common or contract carrier.

3. Private motor carriers of property operating within a 5-mile radius of the limits of a city.

4. Farm vehicles.

5. The transportation of children to and from school.

6. The transportation by a contractor licensed by the state contractor's board of his own equipment in his own vehicles from job to job.

7. The transportation of livestock by the owner thereof in his



own motor vehicle of 10,000 pounds or less unladen weight.

8. The transportation of ore or minerals or mining supplies in the producer's own motor vehicle; but only one motor vehicle having an unladen weight not exceeding 10,000 pounds shall be exempted from the transportation of ore or minerals or mining supplies. No exemption whatever shall be granted if the motor vehicle exceeds 10,000 pounds unladen.

9. 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, or to the carriage of any property for compensation.

10. Special mobile equipment.

11. The equipment of a licensed contractor when used on a portion of a street, road or thoroughfare being in any part constructed or reconstructed at public expense and those sections of highway between the portion under construction or reconstruction and the pits or other sources of materials approved by the department of highways for that particular portion of highway under construction or reconstruction.

Sec. 3. NRS 706.086 is hereby repealed.



SUMMARY--Permits taxicab motor carriers to transport property.  
(BDR 58-19)

Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial  
Insurance: No.

AN ACT relating to transportation; permitting taxicab motor carriers to transport property; and providing other matters properly relating thereto.

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

Section 1. NRS 706.036 is hereby amended to read as follows:

706.036 "Common motor carrier" means any person or operator who holds himself out to the public as willing to [undertake for compensation to] transport by vehicle from place to place, either upon fixed route or on-call operations, passengers or property, including a common motor carrier of passengers, a common motor carrier of property, and a taxicab motor carrier.

Sec. 2. NRS 706.041 is hereby amended to read as follows:

706.041 "Common motor carrier of passengers" means any person or operator, including a taxicab motor carrier, who holds himself out to the public as willing to [undertake for compensation to] transport by vehicle from place to place, either upon fixed route or on-call operations, passengers or passengers and light express for all who may choose to employ him. [Nothing in this section shall be construed to permit a taxicab motor carrier to operate on a fixed route basis.]

Sec. 3. NRS 706.046 is hereby amended to read as follows:

706.046 "Common motor carrier of property" means any person or operator, including a motor convoy carrier, who holds himself out to the public as willing to [undertake for compensation to] transport by motor vehicle from place to place, either upon fixed route or on-call operations, the property of all who may choose to employ him. Sec. 4. NRS 706.126 is hereby amended to read as follows:

706.126 [1.] "Taxicab motor carrier" means any [operator of] person who operates a vehicle or vehicles which do not operate over a fixed route and are designated or constructed to accommodate and transport not more than six passengers , [in number,] including the driver, and:

[(a)] 1. Fitted with taximeters or having some other device, method or system to indicate and determine the passenger fare charged for distance traveled;

[(b)] 2. Used in the transportation of passengers or passengers and light express for which a charge or fee is received; or

[(c)] 3. Operated in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.

[2. Neither common motor carriers of passengers nor contract motor carriers conducting fixed-route operations shall be considered taxicab motor carriers.]

Sec. 5. NRS 706.8839 is hereby amended to read as follows:

706.8839 1. The administrator may inspect a taxicab at any reasonable time.

2. If the administrator finds that a taxicab is in a condition

which violates NRS 706.8837, he shall remove the vehicle from [passenger] service, shall place an out-of-service sticker on the windshield and shall notify the certificate holder of the defect. The vehicle shall remain out of [passenger] service until the defect has been remedied and the administrator upon reinspection has approved the vehicle and removed the out-of-service sticker.

3. If the administrator finds that a taxicab is in a condition which violates NRS 706.8838, he shall notify the certificate holder of the improper condition and, after a reasonable time, shall reinspect the vehicle. If upon reinspection the violation has not been corrected, the vehicle shall be removed from service until it is reinspected and approved, as provided in subsection 2.

Sec. 6. NRS 706.406 is hereby repealed.



SUMMARY--Provides circumstances under which operators of motor carriers must submit reports to commission. (BDR 58-20)  
Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

AN ACT relating to transportation; providing the circumstances of an accident under which operators of motor carriers must submit reports to the public service commission of Nevada; and providing other matters properly relating thereto.

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

Section 1. NRS 706.251 is hereby amended to read as follows:

706.251 1. Every person operating a vehicle used by any motor carrier [vehicle] shall forthwith report each accident occurring on the public highway, wherein [such motor carrier] the vehicle may have injured the person or property of some person other than the person or persons or property carried by [such motor carrier] the vehicle, to the sheriff or other peace officer of the county where [such] the accident occurred . [and also to the commission, and if in any such accident a human being is fatally injured or killed,] If the accident immediately or proximately causes death, the person in charge of [such motor carrier] the vehicle, or any officer investigating [such] the accident, shall furnish to the commission such [additional] detailed report thereof [within such time and in such form] as required by the commission.

2. All accident reports required in this section shall be filed in the office of the commission and there preserved.

[Notwithstanding any other provisions of law, neither any] An accident report made as required by this chapter, [nor] or any report of the commission made pursuant to any accident investigation made by it, [shall be] is not open to public inspection [or] and shall not be disclosed to any person, except upon order of the commission . [, nor shall either or any of the reports, or any portion thereof,] Such reports shall not be admitted as evidence or used for any purpose in any [suit or] action for damages growing out of any matter mentioned in the accident report or report of any such investigation.



SUMMARY--Increases limit of bond filed with commission by common and contract motor carriers against loss of money collected by carriers. (BDR 58-21)

Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

AN ACT relating to transportation; increasing the limit of the bond filed with the public service commission of Nevada by common and contract motor carriers to insure against loss of money collected by carriers; and providing other matters properly relating thereto.

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

Section 1. 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 commission, for the benefit of the shipper in an amount which the commission deems reasonably sufficient as an aggregate but not to exceed [\$1,000,] \$5,000, to insure the shipper against any loss of the [moneys] money so collected by the carrier through misappropriation, negligence or other defalcations.



SUMMARY--Provides uniform standards for regulation of charges and practices of motor carriers. (BDR 58-22)  
Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

AN ACT relating to transportation; providing for uniformity in the standards employed by the public service commission of Nevada in regulating the charges and practices of motor carriers; and providing other matters properly relating thereto.

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

Section 1. NRS 706.331 is hereby amended to read as follows:

706.331 1. If, upon any hearing and after due investigation, the rates, tolls, fares, charges, schedules, tariffs , [or] joint rates [are found to be unjust, unreasonably or unjustly discriminatory, or to be preferential, or otherwise in violation of any of the provisions of this chapter, the commission shall have the power to fix and order substituted therefor such rate or rates, tolls, charges, tariffs or schedules as are just and reasonable.

2. If in like manner it is found that] or any regulation, measurement, practice, act or service complained of 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 commission [shall have the power to] may substitute therefor such other rates, tolls, fares, charges, tariffs, schedules or regulations,

measurements, practices, service or acts and make such order relating thereto as may be just and reasonable.

[3.] 2. When complaint is made of more than one [rate, charge or practice,] matter, the commission may [, in its discretion,] order separate hearings upon the several matters complained of [and] at such times and places as it may prescribe.

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

[5.] 4. The commission may at any time, upon its own motion, investigate any of the [rates, tolls, charges, rules, regulations, practices and service,] matters listed in subsection 1, and, after a full hearing as above provided, by order, make such changes as may be just and reasonable, the same as if a formal complaint had been made.

SUMMARY--Clarifies permit requirements for contract motor carriers. (BDR 58-23)

Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

AN ACT relating to transportation; clarifying the requirements for a permit to operate as a contract motor carrier; and providing other matters properly relating thereto.

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

Section 1. NRS 706.431 is hereby amended to read as follows:

706.431 1. A permit may be issued to any [qualified] 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 lawful requirements and regulations thereunder; and

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

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



SUMMARY--Repeals provisions of law relating to issuance of securities or assumption of obligations by motor carriers.  
(BDR 58-24)

Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial  
Insurance: No.

AN ACT relating to transportation; repealing provisions of law relating to the issuance of securities or assumption of obligations by common or contract motor carriers; and providing other matters properly relating thereto.

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

Section 1. NRS 706.661 to 706.691, inclusive, are hereby repealed.





SUMMARY--Requires recommendation of taxicab administrator before hearing is held on changing number of taxicabs. (BDR 58-25)

Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

AN ACT relating to transportation; requiring a recommendation from the taxicab administrator before a hearing is held on changing the number of taxicabs allocated in a county; and providing other matters properly relating thereto.

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

Section 1. NRS 706.8819 is hereby amended to read as follows:

706.8819 The taxicab authority shall conduct hearings and make final decisions in the following matters:

1. Applications to adjust, alter or change the rates, charges or fares for taxicab service;

2. Applications for certificates of public convenience and necessity to operate a taxicab service;

3. Applications requesting authority to transfer any existing authority vested in any person or corporation to operate a taxicab business; and

4. [Applications] After receiving a recommendation from the administrator, applications to change the total number of allocated taxicabs in a county to which NRS 706.881 to 706.885, inclusive, apply.



SUMMARY--Empowers public service commission to compel production of records not maintained in state. (BDR 58-27)  
Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

AN ACT relating to transportation; empowering the public service commission of Nevada to compel the production of records of carriers which are not maintained in this state; and providing other matters properly relating thereto.

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

Section 1. NRS 706.171 is hereby amended to read as follows:

706.171 The commission may:

1. Make necessary and reasonable [rules and] regulations governing the administration and enforcement of the provisions of this chapter for which it is responsible.
2. 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 Interstate Commerce Commission, any other agency of the Federal Government, or the National Association of Regulatory and Utility Commissioners.
3. Require such reports and the maintenance of such records as it determines necessary for the administration and enforcement of this chapter.
4. Examine, at any time during the business hours of the day, the books, papers and records of any common, contract or private motor carrier doing business in this state. [The fact that] The commission 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 . [shall not cause the commis-  
sion to lose any right of examination under this chapter when and  
where such books, papers and records become available.]

5. Temporarily waive any certificate or permit requirement  
when an emergency exists as defined in NRS 706.561.

Sec. 2. 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 [common or contract]  
motor carrier or broker who refuses or fails for a period of 30  
days to furnish the commission or department with any report  
required by either or who fails or refuses to permit any person  
authorized by the commission or department to inspect such books,  
accounts, records, minutes or papers on behalf of the commission  
or department [shall be] is liable to a penalty in a sum of not  
less than \$300 nor more than \$500. The penalty [shall] may be  
recovered in a civil action upon the complaint of the commission  
or department in any court of competent jurisdiction.

2. Each day's refusal or failure [shall be deemed] is a sepa-  
rate offense, and [shall be] is subject to the penalty prescribed  
in this section.

SUMMARY--Provides that procedures for obtaining suspension or stay of order are exclusive. (BDR 58-28)  
Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

AN ACT relating to transportation; providing that the procedures for obtaining an injunction suspending or staying an order of the public service commission of Nevada are exclusive; and providing other matters properly relating thereto.

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

Section 1. NRS 706.711 is hereby amended to read as follows:

706.711 1. [No injunction shall issue suspending or staying any order of the commission relating to rates, fares, charges, schedules, tariffs, classification, joint rate or rates, or any order fixing any regulations, except upon application to the court or judge thereof, upon notice given the commission within 20 days of the rendition of the order of the commission complained of, and no such injunction shall issue except upon such notice being first given and a hearing of the petition therefor by the court or judge thereof within 20 days thereafter.] A court of competent jurisdiction may issue an injunction suspending or staying any order of the commission relating to rates, fares, tolls, charges, schedules, tariffs, classification, joint rate or rates, or any order fixing any regulations, practices or services only if:

(a) The applicant has first given notice to the commission within 20 days after the rendition of the order of the commission complained of; and

(b) The court has held a hearing of the petition within 20 days after the notice to the commission was given.

In any event [all rates, charges and regulations] the decision of the commission on each matter considered shall be deemed reasonable and just until set aside by the court, and in all actions for injunction or otherwise the burden of proof shall be upon the party attacking or resisting the order of the commission to show by clear and satisfactory evidence that the order is unlawful, or unreasonable, as the case may be.

2. If an injunction is granted by the court and the order complained of is one which permanently suspends a schedule of rates and charges or a part thereof filed by any motor carrier pursuant to NRS 706.316 to 706.346, inclusive, or which otherwise prevents such schedule or part thereof from taking effect, the motor carrier complaining may keep in effect or cause to be put into effect, as the case may be, the suspended schedule or part thereof pending final determination by the court having jurisdiction, by filing a bond with the court in such amount as the court may fix, conditioned upon the refund to persons entitled thereto of the amount of the excess if the rate or rates so suspended are finally determined by the court to be excessive.

3. Upon the final determination of the court that the rate or rates in question are excessive and the motor carrier has collected such excessive rate or rates, [such] the motor carrier shall compute and pay the excess or overpayment of the rate or rates as to each person within 120 days from and after the entry of final judgment of the court.

4. Within 150 days after the entry of final judgment, the motor carrier shall prepare and file with the commission a statement and report in affidavit form stating that all persons entitled to refunds have been paid, and if there are persons to whom payment has not or cannot be made, the names, addresses and individual amounts of refund shall be listed in such report, and the motor carrier shall pay the aggregate of all such unpaid refunds to the commission.

5. The commission shall retain such aggregate refunds subject to the claim of each person for his or its share in the refund payment and shall pay all such claims which are presented for payment within 2 years from and after the date of the entry of final judgment of the court. All such claimants shall be required to identify themselves to the satisfaction of the commission before payment shall be made.

6. Any person [shall have] has a right of action against the commission in the event of a refusal of the commission to pay his or its claim if the name of such person appears in the report filed by the motor carrier. Action against the commission must be brought within 6 months from and after the refusal to pay the claim.

7. The commission shall investigate every case in which a claim is presented to it by a person claiming a refund but whose name does not appear in the report of the motor carrier, and if [such] the investigation results in a refusal by the motor carrier to pay such claim, then the claimant [shall have] has a

right of action against the motor carrier.

8. Any unclaimed [moneys] money remaining in the custody of the commission at the expiration of the 2-year period [shall] escheat to the state.



SUMMARY--Exempts county operating as common motor carrier from requirement of certificate of public convenience and necessity. (BDR 58-32)

Fiscal Note: Effect on Local Government: No.  
Effect on the State or Industrial Insurance: No.

AN ACT relating to transportation; exempting a county which operates as a common motor carrier of passengers from the requirement of obtaining a certificate of public convenience and necessity; and providing other matters properly relating thereto.

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

Section 1. NRS 706.401 is hereby amended to read as follows:

706.401 An incorporated city [shall not be] or a county is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of passengers.



SUMMARY--Permits taxicabs in large counties to transport property. (BDR 58-33)

Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

AN ACT relating to transportation; permitting taxicabs in large counties to transport property; and providing other matters properly relating thereto.

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

Section 1. NRS 706.8816 is hereby amended to read as follows:

706.8816 1. "Taxicab" means a motor vehicle or vehicles which is designed or constructed to accommodate and transport not more than six passengers, including the driver, and is:

(a) Fitted with a taximeter or other device to indicate and determine the passenger fare charged;

(b) Used in the transportation of passengers or passengers and light express for which a charge or fee is received; or

(c) Operated in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.

2. "Taxicab" does not include a motor vehicle of a common motor carrier or contract motor carrier which is used in a fixed route operation.

Sec. 2. NRS 706.8839 is hereby amended to read as follows:

706.8839 1. The administrator may inspect a taxicab at any reasonable time.

2. If the administrator finds that a taxicab is in a condition which violates NRS 706.8837, he shall remove the vehicle from [passenger] service, shall place an out-of-service sticker on the windshield and shall notify the certificate holder of the defect. The vehicle shall remain out of [passenger] service until the defect has been remedied and the administrator upon reinspection has approved the vehicle and removed the out-of-service sticker.

3. If the administrator finds that a taxicab is in a condition which violates NRS 706.8838, he shall notify the certificate holder of the improper condition and, after a reasonable time, shall reinspect the vehicle. If upon reinspection the violation has not been corrected, the vehicle shall be removed from service until it is reinspected and approved, as provided in subsection 2.

SUMMARY--Creates department of transportation. (BDR 35-93)  
Fiscal Note: Effect on Local Government: No.  
Effect on the State or on Industrial  
Insurance: No.

AN ACT relating to transportation; providing in skeleton form for the creation of a department of transportation; and providing other matters properly relating thereto.

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

Section 1. NRS 408.045 is hereby amended to read as follows:

408.045 "Department" means the department of [highways] transportation of the State of Nevada.

Sec. 2. NRS 408.105 is hereby amended to read as follows:

408.105 1. There is hereby created a department of [highways, which shall be] transportation, administered by a board of directors consisting of [three directors. The directors shall be] the governor, the attorney general and the state controller.

2. The officers designated shall serve as directors [, the duties created in this chapter being] ex officio.

Sec. 3. NRS 408.160 is hereby amended to read as follows:

408.160 [1.] The board shall select a [state highway engineer who shall] director to be head of the department.

[2. The engineer shall be a registered professional engineer, pursuant to the provisions of chapter 625 of NRS, skilled and experienced in highway design and construction, engineering management, contract negotiations and in negotiations with other agencies.

3. The engineer shall be in the unclassified service of the state.]

Sec. 4. NRS 408.165 is hereby amended to read as follows:

408.165 The [engineer shall] director is entitled to receive an annual salary in an amount determined pursuant to the provisions of NRS 284.182, which [shall be] is payable out of the state highway fund.

Sec. 5. NRS 408.170 is hereby amended to read as follows:

408.170 The [engineer] director shall devote his whole time to the duties of his office, and may be removed by the board at any time.

Sec. 6. NRS 408.175 is hereby amended to read as follows:

408.175 1. Subject to the provisions of chapter 284 of NRS, the [engineer] director shall:

(a) Appoint two deputy [highway engineers, who shall be registered professional engineers, pursuant to the provisions of chapter 625 of NRS, and] directors who [shall,] in the absence, inability or failure of the [engineer,] director, have full authority to perform any duty required or permitted by law to be performed by the [engineer.] director.

(b) Employ a chief accountant, who shall [be charged with the duty of handling] manage the fiscal affairs and facilities of the department.

(c) Appoint a highway business manager [, who shall perform duties as designated pursuant to NRS 408.177.] as head of the administrative division.

(d) Employ such engineers, engineering and technical assistants, clerks and other personnel as in his judgment may be necessary to the proper conduct of the department and to carry out the provisions of this chapter.

2. Such employees in the unclassified service of the state [shall] are entitled to receive annual salaries in amounts determined pursuant to the provisions of NRS 284.182.

3. The two deputy [highway engineers] directors and the highway business manager each shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 7. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 10, inclusive, of this act.

Sec. 8. 1. The department consists of a director, two deputy directors and the following divisions:

(a) Administrative division.

(b) Operations division.

(c) Engineering division.

(d) Planning division.

2. The head of a division is an assistant director.

Sec. 9. The director:

1. Is in the unclassified service of the state.

2. Must have had at least 5 years of responsible administrative experience in public or business administration or must possess broad management skills in areas related to the functions of the agencies composing the department.

Sec. 10. 1. The primary responsibilities of the planning division are to:

(a) Develop and coordinate balanced transportation policy and planning which are consistent with the social, economic and environmental goals of the state. The plan must be designed to meet the present and future needs of the state for adequate, safe and efficient transportation facilities and services at a reasonable cost to the taxpayer; and

(b) Coordinate balanced transportation facilities and services and assist in their operation. The facilities and services may include, but are not limited to, highways, railways, urban public transportation and aviation.

2. The planning division shall:

(a) Establish planning techniques and processes for all modes of transportation at an appropriate level, according to the requirements of the state.

(b) Prepare, revise when appropriate, provide supporting information for and assist in carrying out the transportation plan by providing assistance in the development of the department's capital program for all modes of transportation.

(c) Test and evaluate policies, plans, proposals, systems, programs and projects within the framework of the goals of the department.

(d) Maintain an intensive liaison effort to assure that the policies of industry, local governments and other agencies are consistent with the transportation plan and policy.



(e) Conduct research in planning techniques, travel needs, transportation potential for the state, investigating, testing and demonstrating methods and equipment suitable for application to the problems of transportation facing the state.

Sec. 11. NRS 484.348 is hereby amended to read as follows:

484.348 1. Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a peace officer in a readily identifiable police or regulatory agency vehicle, when given a visual or audible signal to bring the vehicle to a stop is guilty of a misdemeanor.

2. The signal by the peace officer described in subsection 1 may be by flashing red lamp or siren.

3. As used in this section, "regulatory agency" means any of the agencies granted police or enforcement powers under the provisions of NRS 407.065, 481.048, 481.049, 501.349, 565.155, [706.-181 and] 706.8821 [.] and section 13 of this act.

Sec. 12. NRS 484.787 is hereby amended to read as follows:

484.787 1. Except as provided in NRS 484.789, authorized emergency vehicles are vehicles publicly owned and operated in the performance of the duty of:

- (a) A police or fire department.
- (b) A sheriff's office.
- (c) The Nevada highway patrol.
- (d) A public ambulance agency.
- (e) A public lifeguard or lifesaving agency.

2. A vehicle publicly maintained in whole or in part by the state, or by a city or county, and privately owned and operated by a regularly salaried member of a police department, sheriff's office or traffic law enforcement department, is an authorized emergency vehicle under the following conditions:

(a) When such vehicle has such a permit from the department of motor vehicles;

(b) Where such person operates such privately owned vehicle in responding to emergency calls or fire alarms or highway patrol duty or operates such vehicle in the pursuit of actual or suspected violators of the law; and

(c) When the state, county or city does not furnish to such officer a publicly owned vehicle for the purposes stated in paragraph (b).

3. Every authorized emergency vehicle shall be equipped with at least one flashing red warning lamp visible from the front and a siren for use as provided in this chapter, which lamp and siren shall be in compliance with standards approved by the department of motor vehicles. In addition, an authorized emergency vehicle may display revolving, flashing or steady red or blue warning lights to the front, sides or rear of the vehicle.

4. No person may operate a vehicle with any lamp or device thereon displaying a red light visible from directly in front of the center thereof, except an authorized emergency vehicle, a school bus or an official vehicle of a regulatory agency.

5. No person may operate a vehicle with any lamp or device displaying a blue light, except an authorized emergency vehicle.

6. As used in this section, "regulatory agency" means any of the agencies granted police or enforcement powers under the provisions of NRS 407.065, 481.048, 481.049, 501.349, 565.155, [706.181 and] 706.8821 [.] and section 13 of this act.

Sec. 13. Chapter 703 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. The commission and its inspectors have police power for the enforcement of all regulations of the commission or the department pertaining to chapters 704, 705 and 706 of NRS.

2. The commission and its inspectors are peace officers for the enforcement of chapters 482, 704, 705 and 706 of NRS.

3. Inspectors may carry firearms in the performance of their duties.

Sec. 14. NRS 706.181 is hereby repealed.

