

PROPOSED REGULATION OF THE NEVADA TRANSPORTATION AUTHORITY

LCB File No. R060-13

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AUTHORITY: §§1, 2, 3, and 4 NRS 706.171, and Senate Bill 210 of the 2013 Legislative Session; §5 NRS 706.171 and Senate Bill 210 of the 2013 Legislative Session; §6 NRS 706.171, NRS 706.173, NRS 706.475, and Senate Bill 210 of the 2013 Legislative Session.

EXPLANATION—Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

A REGULATION relating to motor carriers; requiring a driver of a charter bus, a vehicle for a fully regulated carrier of passengers, or a taxicab motor carrier to obtain a driver's permit from the Authority; authorizing the Chairman of the Authority or his designee the authority to issue a temporary driver's permit under certain circumstances; requiring the holder of a driver's permit to pay a fee upon the loss of a driver's permit for a duplicate permit to be issued by the Authority; requiring a person who is operating a charter bus, a vehicle for a fully regulated carrier of passengers, or a taxicab motor carrier to maintain in his possession a valid driver's permit; authorizing the Authority to remove a vehicle from service if a vehicle is being operated by a person without a valid driver's permit; clarifies a certificate holder shall not allow an employee of the certificate holder to drive a livery or traditional limousine unless the employee has a valid driver's permit issued by the Authority; clarifies a certificate holder shall not allow an employee or independent contractor of the certificate holder to drive a taxicab unless the employee or independent contractor has a valid driver's permit issued by the Authority; and providing other matters properly relating thereto.

Section 1. Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

- 1. No person may operate a bus for the purposes of charter bus transportation, a motor vehicle for a fully regulated carrier of passengers, or a taxicab motor carrier within the jurisdiction of the Authority without having first obtained a driver's permit from the Chairman or his designee.***

2. Driver's permits issued by the Authority remain the property of the Authority and must be returned to the Authority when a driver changes companies, leaves the industry, or upon demand of the Authority.

Sec. 2. Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Chairman or his designee may issue a temporary driver's permit to an applicant for a driver's permit to allow time for the background investigation and the processing of a permanent permit. If during that time the Chairman or his designee finds the applicant unfit, he shall deny the driver's permit and recall the temporary permit.

2. Temporary driver's permits are void after their expiration date. Holders of temporary permits are subject to all applicable laws and regulations and temporary permits are subject to suspension or revocation by the Authority.

Sec. 3. Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

Upon the loss of a driver's permit, the holder shall immediately notify the Authority and shall not operate a vehicle until a fee not to exceed \$15 for a lost permit has been paid and a duplicate permit issued.

Sec. 4. Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A person shall not operate a bus for purposes of charter bus transportation, a motor vehicle for a fully regulated carrier of passengers, or a taxicab motor carrier without having in his possession a valid driver's permit.

2. If the Authority determines that a vehicle is being operated by a person without a valid driver's permit, the Authority may cause the vehicle to be withdrawn from service until such time that a person who possess a valid driver's permit is available to operate the vehicle.

Sec. 5. NAC 706.229 is hereby amended to read as follows:

706.2291. In addition to the applicable requirements set forth in 49 C.F.R. §§ 391.1, 391.2, 391.11(a), 391.11(b)(1) to 391.11(b)(4), inclusive, 391.11(b)(6), 391.11(b)(7), 391.11(b)(8), 391.13, 391.15, 392.2, 392.3, 392.4, 392.5 and 392.9 and 49 C.F.R. Parts 40, 382, 390, 393 and 397, a certificate holder shall not allow an employee to drive a traditional limousine or livery limousine unless the employee:

(a) Is at least 21 years of age and has a valid Nevada driver's license or is a border state employee, as that term is defined in NRS 483.035; and

(b) **Has a valid driver's permit issued by Authority; and**

(c) Provides to the certificate holder, on or before the date on which the employee becomes employed by the certificate holder as the driver of a traditional limousine or livery limousine:

(1) A certificate from a licensed physician which is dated not more than 90 days before the date on which the employee becomes so employed by the certificate holder and which demonstrates that the employee is physically qualified to operate a commercial motor vehicle in accordance with 49 C.F.R. § 391.43; and

(2) A copy of the driving record of the employee which is obtained from the Department and which demonstrates that the employee has not, within the 3 years immediately preceding the date on which the employee becomes so employed by the certificate holder:

(I) Been convicted of driving under the influence of an intoxicating liquor or a controlled substance;

- (II) Been convicted of reckless driving;
 - (III) Been convicted of failing to stop and remain at the scene of an accident; or
 - (IV) Failed to keep a written promise to appear in court for any offense.
2. Each employee shall update annually the documents required pursuant to paragraph (b) of subsection 1.

3. A certificate holder shall retain a copy of each document submitted by an employee pursuant to this section for at least 3 years after his employment has terminated.

Sec. 6. NAC 706.3751 is hereby amended to read as follows:

706.3751. 1. In addition to the applicable requirements set forth in 49 C.F.R. §§ 391.51, 392.2, 392.4, 392.5 and 392.9 and 49 C.F.R. Parts 390, 393 and 397, a certificate holder shall not allow an employee or independent contractor of the certificate holder to drive a taxicab that the certificate holder is authorized to operate unless the employee or independent contractor:

(a) Is at least 21 years of age and has held for at least 30 days a valid Nevada driver's license or is a border state employee, as that term is defined in NRS 483.035; and

(b) ***Has a valid driver's permit issued by Authority; and***

(c) Provides to the certificate holder, on or before the date on which the employee becomes employed by the certificate holder as the driver of a taxicab or the independent contractor begins to lease a taxicab from the certificate holder pursuant to NRS 706.473:

(1) A certificate from a licensed physician which is dated not more than 90 days before the date on which the employee becomes employed by the certificate holder as the driver of a taxicab or the independent contractor begins to lease a taxicab from the certificate holder pursuant to NRS 706.473, which demonstrates that the employee or independent contractor is

physically qualified to operate a commercial motor vehicle in accordance with 49 C.F.R. § 391.43; and

(2) A copy of the driving record of the employee or independent contractor which is obtained from the Department and which demonstrates that the employee or independent contractor has not, within the 3 years immediately preceding the date on which the employee becomes employed by the certificate holder as the driver of a taxicab or the independent contractor begins to lease a taxicab from the certificate holder pursuant to NRS 706.473:

- (I) Been convicted of driving under the influence of an intoxicating liquor or a controlled substance;
- (II) Been convicted of reckless driving;
- (III) Been convicted of failing to stop and remain at the scene of an accident; or
- (IV) Failed to keep a written promise to appear in court for any offense.

2. Each employee or independent contractor shall update annually the documents required pursuant to paragraph (b) of subsection 1 and submit the updated documents to the certificate holder.

3. A certificate holder shall retain a copy of each document that the employee or independent contractor submitted to the certificate holder pursuant to this section until 3 years after the employee's employment has terminated or the independent contractor's lease has expired.