

(Reprinted with amendments adopted on April 14, 2015)

FIRST REPRINT

S.B. 183

SENATE BILL NO. 183—SENATORS GUSTAVSON; AND PARKS

FEBRUARY 23, 2015

JOINT SPONSORS: ASSEMBLYMEN O'NEILL, FIORE, SEAMAN, JONES,  
DOOLING; DICKMAN, ELLISON, MOORE, SHELTON, TITUS  
AND WHEELER

Referred to Committee on Transportation

SUMMARY—Makes various changes relating to the Nevada  
Transportation Authority. (BDR 58-717)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to motor carriers; revising the declaration of legislative purpose and policy governing the regulation of certain motor carriers; revising the criteria for granting or modifying certificates of public convenience and necessity for certain motor carriers; revising provisions governing participation as an intervener in a hearing on an application for such a certificate; revising provisions governing the filing of an application for a certificate of public convenience and necessity by a person whose previous application has been denied; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law provides for the regulation of certain motor carriers in this State  
2 by the Nevada Transportation Authority. (NRS 706.011-706.791) The Authority is  
3 required to carry out its duties in accordance with certain purposes and policies  
4 declared by the Legislature, which include, without limitation: (1) providing for fair  
5 and impartial regulation; (2) promoting safe, adequate, economical and efficient  
6 service; (3) fostering sound economic conditions in the motor carrier industry; and  
7 (4) discouraging practices which would tend to increase or create detrimental  
8 competition in motor transportation. (NRS 706.151) **Section 1** of this bill revises  
9 these purposes and policies to state that the Legislature intends to provide for fair  
10 and impartial regulation and to promote safe service in motor transportation.



\* S B 1 8 3 R 1 \*

11 Existing law provides that it is unlawful for certain motor carriers to conduct  
12 operations unless the motor carrier has obtained a certificate of public convenience  
13 and necessity from the Authority. (NRS 706.386) The Authority is required to grant  
14 an application for a certificate of public convenience and necessity if the Authority  
15 finds that the applicant and its proposed operations satisfy certain criteria. (NRS  
16 706.391) **Section 2** of this bill revises those criteria by eliminating requirements  
17 that the Authority find that the market which the applicant intends to serve will  
18 support the operations proposed by the applicant and that granting the application:  
19 (1) will foster sound economic conditions in the applicable industry; (2) will not  
20 unreasonably and adversely affect other motor carriers operating in the same  
21 territory as the applicant; and (3) will benefit the motor carrier business in this  
22 State. **Section 2** also provides that the Authority may only allow a person to  
23 intervene regarding such an application if the person has actual or constructive  
24 knowledge that the applicant poses a threat to the physical safety of the traveling  
25 public.

26 **Section 3** of this bill reduces from 180 days to 60 days the length of time that a  
27 person whose application for a certificate of public convenience and necessity to  
28 operate as a motor carrier is denied must wait before submitting a similar  
29 application.

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

1 **Section 1.** NRS 706.151 is hereby amended to read as follows:  
2 706.151 1. It is hereby declared to be the purpose and policy  
3 of the Legislature in enacting this chapter:

4 (a) Except to the extent otherwise provided in NRS 706.881 to  
5 706.885, inclusive, to confer upon the Authority the power and to  
6 make it the duty of the Authority to regulate fully regulated carriers,  
7 operators of tow cars and brokers of regulated services to the extent  
8 provided in this chapter and to confer upon the Department of Motor  
9 Vehicles the power to license all motor carriers and to make it the  
10 duty of the Department of Motor Vehicles and the Department of  
11 Public Safety to enforce the provisions of this chapter and the  
12 regulations adopted by the Authority pursuant to it, to relieve the  
13 undue burdens on the highways arising by reason of the use of  
14 the highways by vehicles in a gainful occupation thereon.

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

21 (c) To provide for fair and impartial regulation ~~[ ]~~ **[ ]** and to  
22 promote safe ~~[, adequate, economical and efficient]~~ service ~~[and to~~  
23 ~~foster sound economic conditions]~~ in motor transportation.

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



1 (1) Intrastate transportation by fully regulated carriers; and  
2 (2) Towing services performed without the prior consent of  
3 the owner of the vehicle or the person authorized by the owner to  
4 operate the vehicle,

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

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

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

14 **Sec. 2.** NRS 706.391 is hereby amended to read as follows:

15 706.391 1. Upon the filing of an application for a certificate  
16 of public convenience and necessity to operate as a common motor  
17 carrier, other than an operator of a tow car, or an application for  
18 modification of such a certificate, the Authority ~~[shall]~~ **may** fix a  
19 time and place for a hearing on the application.

20 2. Except as otherwise provided in subsection ~~[6,]~~ **5**, the  
21 Authority shall grant the certificate or modification if it finds that:

22 (a) The applicant is financially and operationally fit, willing and  
23 able to perform the services of a common motor carrier ~~[and that the  
24 operation of, and the provision of such services by, the applicant as  
25 a common motor carrier will foster sound economic conditions]~~  
26 within the applicable industry;

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

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

32 ~~—(d)]~~ The proposed operation or the proposed modification ~~[will  
33 benefit and protect]~~ **is not inconsistent with** the safety and  
34 convenience of the traveling and shipping public ~~[and the motor  
35 carrier business]~~ in this State;

36 ~~[(e)]~~ **(d)** The proposed operation, or service under the proposed  
37 modification, will be provided on a continuous basis;

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

41 ~~—(g)]~~ **and**

42 **(e)** The applicant has paid all fees and costs related to the  
43 application.

44 3. ~~[The Authority shall not find that the potential creation of  
45 competition in a territory which may be caused by the granting of~~



~~1 the certificate or modification, by itself, will unreasonably and~~  
~~2 adversely affect other carriers operating in the territory for the~~  
~~3 purposes of paragraph (c) of subsection 2.~~

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

~~9 [5.]~~ 4. The applicant for the certificate or modification:

10 (a) Must submit a complete set of fingerprints of each natural  
11 person who is identified by the Authority as a significant principal,  
12 partner, officer, manager, member, director or trustee of the  
13 applicant and written permission authorizing the Authority to  
14 forward the fingerprints to the Central Repository for Nevada  
15 Records of Criminal History for submission to the Federal Bureau  
16 of Investigation for its report;

17 (b) Has the burden of proving to the Authority that the proposed  
18 operation will meet the requirements of subsection 2; and

19 (c) Must pay the *reasonable* amounts billed to the applicant by  
20 the Authority for the costs incurred by the Authority in conducting  
21 any investigation regarding the applicant and the application.

~~22 [6.]~~ 5. The provisions of subsections 2 ~~[to 5, inclusive],~~ *3 and*  
23 *4* do not apply to an owner or operator of a charter bus. The  
24 Authority shall grant the certificate or modification to an owner or  
25 operator of a charter bus that is not a fully regulated carrier if the  
26 Authority finds that the owner or operator of the charter bus has  
27 complied with the provisions of subsection 1 of NRS 706.463 and  
28 any applicable regulations of the Authority.

~~29 [7.]~~ 6. The Authority may issue or modify a certificate of  
30 public convenience and necessity to operate as a common motor  
31 carrier, or issue or modify it for:

32 (a) The exercise of the privilege sought.

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

~~34 [8.]~~ 7. The Authority may attach to the certificate such terms  
35 and conditions as, in its judgment, the public ~~[interest]~~ *health and*  
36 *safety* may require.

~~37 [9.]~~ 8. *A person who desires to participate as an intervener in*  
38 *a hearing on an application for a certificate or modification*  
39 *pursuant to this section may file a petition for leave to intervene*  
40 *with the Authority. The Authority shall grant such a petition if the*  
41 *petitioner demonstrates actual or constructive knowledge of an*  
42 *issue relating to the safe operation by the applicant as a common*  
43 *motor carrier.*

44 9. The Authority may dispense with the hearing on the  
45 application if, upon the expiration of the time fixed in the notice



1 thereof, no petition to intervene has been filed ~~[on behalf of any~~  
2 ~~person who has filed a protest against the granting of the certificate~~  
3 ~~or modification.] pursuant to subsection 8.~~

4 *10. As used in this section, "issue relating to the safe*  
5 *operation" means information that has a direct relation to the*  
6 *ability of the applicant to operate safely as a common motor*  
7 *carrier, including, without limitation, information showing that*  
8 *the applicant:*

9 *(a) Operates a vehicle that does not meet the applicable*  
10 *requirements of this chapter or in some other way poses a threat to*  
11 *the physical safety of the traveling public; or*

12 *(b) Employs a driver who does not meet the applicable*  
13 *requirements of this chapter or in some other way poses a threat to*  
14 *the physical safety of the traveling public.*

15 **Sec. 3.** NRS 706.396 is hereby amended to read as follows:

16 706.396 Any person who, after hearing, has been denied a  
17 certificate of public convenience and necessity to operate as a  
18 carrier must not be permitted again to file a similar application with  
19 the Authority covering the same type of service and over the same  
20 route or routes or in the same territory for which the certificate of  
21 public convenience and necessity was denied except after the  
22 expiration of ~~[180]~~ 60 days after the date the certificate of public  
23 convenience and necessity was denied.

