

**THE ONE HUNDRED AND FOURTEENTH DAY**

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CARSON CITY (Tuesday), May 26, 2015

Assembly called to order at 12:40 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Assemblyman Tyrone Thompson.

Dear Lord, we thank You for being with us since our journey began on February 2 of 2015. We ask that You continue to be with us as we make key decisions that greatly benefit our state. Thank You for the perspective of each legislator representing constituents throughout our state and thank You for the diligent, professional work of our Legislative Counsel Bureau. Give us discernment and endurance to continue to make a difference. In Your Name we pray. Thank God.

AMEN.

Pledge of allegiance to the Flag.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 24, 253, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDY KIRNER, *Chair*

*Mr. Speaker:*

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 500, 501, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OSCARSON, *Chair*

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Senate Bill No. 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEREK ARMSTRONG, *Chair*

*Mr. Speaker:*

Your Concurrent Committee on Transportation, to which was referred Senate Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JIM WHEELER, *Chair*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 466, 472, 473, 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 71, 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 197, 203, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 420, 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAUL ANDERSON, *Chair*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 2015

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 83, 121, 128, 141, 437, 451, 467; Assembly Joint Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 51, Amendment No. 844; Assembly Bill No. 89, Amendment No. 828; Assembly Bill No. 93, Amendment No. 753; Assembly Bill No. 94, Amendment No. 676; Assembly Bill No. 163, Amendment No. 761; Assembly Bill No. 178, Amendment No. 937; Assembly Bill No. 238, Amendment No. 842; Assembly Bill No. 240, Amendment No. 913; Assembly Bill No. 263, Amendments Nos. 745, 958; Assembly Bill No. 325, Amendment No. 843; Assembly Bill No. 328, Amendment No. 906; Assembly Bill No. 341, Amendment No. 804; Assembly Bill No. 385, Amendment No. 780; Assembly Bill No. 409, Amendment No. 938; Assembly Bill No. 447, Amendment No. 806, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 276, 353, 360, 475.

SHERRY RODRIGUEZ  
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, May 23, 2015

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 49, Amendments Nos. 917, 932, 964; Assembly Bill No. 421, Amendment No. 888, and respectfully requests your honorable body to concur in said amendments.

SHERRY RODRIGUEZ  
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, May 25, 2015

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 242; Senate Bill No. 489.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 133.

SHERRY RODRIGUEZ  
*Assistant Secretary of the Senate*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 133.

Assemblyman Paul Anderson moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 276.

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

Motion carried.

Senate Bill No. 353.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 360.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 475.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 489.

Assemblyman Paul Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 391.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 895.

**JOINT SPONSOR: ASSEMBLYMAN ELLIOT ANDERSON**

AN ACT relating to education; requiring the board of trustees of each school district and the governing body of each charter school to prepare a plan to improve the literacy of pupils enrolled in certain grades; requiring the principal of each public elementary school to designate a learning strategist to train and assist teachers in providing intensive instruction to pupils who have been identified as deficient in the subject area of reading; requiring certain teachers at public schools to complete professional development concerning the subject area of reading; requiring certain interventions for pupils enrolled in kindergarten or grade 1, 2 or 3 who do not achieve adequate proficiency in reading; prohibiting a public school from promoting a pupil to grade 4 if the pupil does not achieve proficiency in reading; providing for a competitive grants program to assist schools in paying for certain literacy programs; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 5** of this bill requires the board of trustees of each school district or the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 and submit the plan to the Department of Education for its approval.

**Section 6** of this bill requires the principal of a public elementary school, including, without limitation, a charter school, to designate a licensed teacher employed by the school who has demonstrated leadership abilities to serve as a learning strategist to train and assist teachers in providing intensive instruction to pupils who have been identified as deficient in the subject area of reading. **Section 6** also: (1) authorizes a school district or charter school to provide additional compensation to learning strategists and teachers whose overall performance is determined to be "highly effective" under the statewide performance evaluation system; and (2) requires each teacher employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 to complete professional development prescribed by the State Board of Education concerning the subject area of reading.

**Section 8** of this bill requires the principal of a school to provide notice that a pupil exhibits a deficiency in the subject area of reading to the parent or guardian of a pupil enrolled in kindergarten or grade 1, 2 or 3. **Section 9** of

this bill requires a public elementary school to: (1) establish a plan to monitor the progress of a pupil enrolled in kindergarten or grade 1, 2 or 3 who has a deficiency in the subject area of reading; and (2) assess the proficiency in reading of a pupil for whom such a plan is established at the beginning of the next school year.

Existing law authorizes a pupil enrolled in a public school, other than a charter school, to be retained in the same grade upon joint agreement by the pupil's teacher and principal. (NRS 392.125) Existing law also requires the governing body of a charter school to adopt rules for the academic retention of pupils who are enrolled in the charter school. (NRS 386.583) **Section 10** of this bill provides that, unless a pupil receives an exemption by the superintendent of schools of the school district or the governing body of the charter school, as recommended by the principal, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain the score prescribed by the State Board on the criterion-referenced examination in reading. **Section 10** also: (1) provides certain good-cause exemptions for certain pupils to allow them to be promoted to grade 4 even if they did not obtain that score; and (2) requires the State Board to prescribe an alternate examination for pupils who do not obtain that score. **Section 14** of this bill makes conforming changes. **Section 3** of this bill similarly provides that a pupil enrolled in grade 3 at a charter school must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain the score presented by the State Board on the criterion-referenced examination unless the pupil receives a good-cause exemption.

**Section 11** of this bill requires the principal of a school to: (1) provide notice to the parent or legal guardian of a pupil who will be retained in grade 3; (2) develop a plan to monitor the progress of the pupil in achieving proficiency in reading; and (3) ensure that the pupil receives intensive instructional services in the subject area of reading. **Section 11** requires the board of trustees of each school district or the governing body of a charter school to prescribe the intensive instructional services that the principal of a school is required to implement for a pupil who is retained in grade 3. **Section 11** requires such instructional services to be provided by a teacher who is: (1) different than the teacher who provided instructional services to the pupil during the immediately preceding school year; and (2) highly effective, as demonstrated by pupil performance data and performance evaluations. **Section 11** also authorizes such instructional services to be provided by a teacher who is the same teacher who provided instructional services to the pupil during the immediately preceding school year in certain circumstances.

**Section 12** of this bill requires the principal of a school to offer the parent or legal guardian of a pupil who is retained in grade 3 certain additional instructional options. **Sections 3 and 13** of this bill require the board of trustees of each school district and the governing body of a charter school to prepare a report concerning the number and percentage of pupils who are :

(1) retained in grade 3 for deficiency in reading , including whether or not a pupil was previously retained in kindergarten or grade 1 or 2; and ~~1-(1)~~ (2) not retained in grade 3 because a good cause exemption was approved but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years. Sections 3 and 13 also require the board of trustees of each school district and the governing body of a charter school to submit the report to the Department ~~1-(1)~~ and ~~1-(2)~~ post the report on the Internet website maintained by the school district or charter school, as applicable.

**Section 15** of this bill provides for the Department of Education to distribute money that is appropriated to the Other State Education Programs Account through a competitive grants program. **Section 15** requires schools that receive a grant of money to use the money for the literacy programs in kindergarten and grades 1, 2 and 3 to support school-based efforts to ensure all pupils are proficient in reading by the end of the third grade. **Section 15** requires the board of trustees of a school district and the governing body of a charter school that receives a grant of money to prepare and submit to the Department a report that includes: (1) a description of the programs or services for which the money was used; and (2) the number of pupils who participated in a program or received services. **Section 15** also requires the Department of Education to prepare a report concerning the programs for which the money is used and submit the report and certain recommendations to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature and to the Governor.

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

**Section 1.** NRS 385.3481 is hereby amended to read as follows:

385.3481 1. The annual report of accountability prepared pursuant to NRS 385.347 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 , ~~for~~ 392.125 ~~or~~ *section 10 of this act*, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385.347.

**Sec. 2.** NRS 385.3583 is hereby amended to read as follows:

385.3583 The annual report of accountability prepared by the State Board pursuant to NRS 385.3572 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

1. For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 , ~~for~~ 392.125 ~~or~~ *section 10 of this act*, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

3. The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this

State as a whole. For the purposes of this subsection, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

4. The number of habitual truants reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, including, without limitation, the number who are:

(a) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(b) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(c) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

**Sec. 3.** NRS 386.583 is hereby amended to read as follows:

386.583 *1.* The governing body of a charter school shall adopt rules for the academic retention of pupils who are enrolled in the charter school ~~that~~ ***that are consistent with sections 8, 10 and 11 of this act.*** The rules must ~~prescribe~~ ***prescribe*** :

(a) ***Prescribe*** the conditions under which a pupil may be retained in the same grade rather than promoted to the next higher grade for the immediately succeeding school year.

(b) ***Require a pupil enrolled in grade 3 to be retained in the same grade rather than promoted to grade 4 when required pursuant to section 10 of this act.***

*2. On or before September 1 of each year, the governing body of each charter school shall:*

(a) ***Prepare a report concerning the number and percentage of pupils at the charter school who were ~~retained~~ :***

***(1) Retained in grade 3 pursuant to section 10 of this act for a deficiency in the subject area of reading ~~that~~, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and***

***(2) Not retained in grade 3 because a good cause exemption was approved pursuant to section 10 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years;***

(b) ***Submit a copy of the report to the Department; and***

(c) ***Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.***

**Sec. 4.** Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

**Sec. 5. 1.** ***The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3. Such a plan must include, without limitation:***



*(a) A program to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in that subject area. Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction on phonological and phonemic awareness, decoding skills and reading fluency;*

*(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable assessments that have been approved by the State Board by regulation:*

*(1) Within the first 30 days of school after the pupil enters kindergarten or upon enrollment in kindergarten if the pupil enrolls after that period; and*

*(2) During grades 1, 2 and 3;*

*(c) A program to improve the proficiency in reading of pupils who are limited English proficient; and*

*(d) Procedures for facilitating collaboration between learning strategists and classroom teachers.*

*2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:*

*(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and*

*(b) Make such revisions to the plan as the Department determines are necessary.*

*Sec. 6. 1. The principal of a public elementary school, including, without limitation, a charter school, shall designate a licensed teacher employed by the school who has demonstrated leadership abilities to serve as a learning strategist to train and assist teachers at the school to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading.*

*2. A school district or charter school may provide additional compensation to:*

*(a) A licensed teacher designated as a learning strategist pursuant to this section; or*

*(b) A teacher who is employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 whose overall performance is determined to be highly effective under the statewide performance evaluation system established by the State Board pursuant to NRS 391.465.*

*3. Each teacher employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 shall complete professional development provided by a learning strategist designated pursuant to subsection 1 in the subject area of reading.*

*4. The State Board shall prescribe by regulation:*

*(a) Any training or professional development that a learning strategist is required to successfully complete;*

*(b) Any professional development that a teacher employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 is required to receive from a learning strategist in the subject area of reading; and*

*(c) The duties and responsibilities of a learning strategist.*

Sec. 7. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 13, inclusive, of this act.

Sec. 8. *If a pupil enrolled at a public elementary school in kindergarten or grade 1, 2 or 3 exhibits a deficiency in the subject area of reading based upon state or local assessments ~~for upon~~ and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:*

1. *Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 that has been approved by the Department pursuant to section 5 of this act;*

2. *Explain that if the pupil does not achieve adequate proficiency in the subject area of reading before the completion of grade 3, the pupil will be retained in grade 3 rather than promoted to grade 4, unless the pupil receives a good-cause exemption pursuant to section 10 of this act;*

3. *Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;*

4. *Explain that the criterion-referenced examination in the subject area of reading administered pursuant to NRS 389.550 is not the only factor used to determine whether the pupil will be retained in grade 3 and that other options are available for the pupil to demonstrate proficiency if the pupil is eligible for a good-cause exemption pursuant to section 10 of this act;*

5. *Describe the policy and specific criteria adopted by the board of trustees of the school district or governing body of a charter school, as applicable, pursuant to section 11 of this act regarding the promotion of a pupil to grade 4 at any time during the school year if the pupil is retained in grade 3 pursuant to section 10 of this act;*

6. *Include information regarding the English literacy development of a pupil who is limited English proficient; and*

7. *Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is limited English proficient.*

Sec. 9. 1. *A public elementary school that has notified the parent or legal guardian of a pupil that, based upon the results of state or local*

*assessments, it has been determined that the pupil has a deficiency in the subject area of reading pursuant to section 8 of this act shall, within 30 days after providing such notice, establish a plan to monitor the progress of the pupil in the subject area of reading.*

*2. A plan to monitor the progress of a pupil in the subject area of reading must be established by the teacher of the pupil and any other relevant school personnel and approved by the principal of the school and the parent or legal guardian of the pupil. The plan must include a description of any intervention services that will be provided to the pupil to correct the deficiency and must include that the pupil will receive intensive instruction in reading to ensure the pupil achieves adequate proficiency in reading. Such instruction must include, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 approved by the Department pursuant to section 5 of this act.*

*3. A school that establishes a plan to monitor the progress of a pupil in the subject area of reading shall assess the proficiency of the pupil in the subject area of reading at the beginning of the next school year after the plan is established pursuant to this section.*

*Sec. 10. 1. Except as otherwise provided in this section, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain a score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 that meets the passing score prescribed by the State Board pursuant to subsection 7.*

*2. The superintendent of schools of a school district or the governing body of a charter school, as applicable, may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good-cause exemption for the pupil upon a determination by the principal of the school pursuant to subsection 4 that the pupil is eligible for such an exemption.*

*3. A good-cause exemption must be approved for a pupil who previously was retained in grade 3. Any other pupil is eligible for a good-cause exemption if the pupil:*

*(a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;*

*(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond the retention level;*

*(c) Is limited English proficient and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;*

*(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;*

*(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the criterion-referenced examinations administered pursuant to NRS 389.550 is not appropriate; or*

*(f) Is a pupil with a disability and:*

*(1) He or she participates in the criterion-referenced examinations administered pursuant to NRS 389.550;*

*(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and*

*(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.*

*4. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 3 and determine whether the pupil is eligible for a good-cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice of the approval or denial to the principal.*

*5. A principal who determines that a pupil is eligible for a good-cause exemption shall notify the parent or legal guardian of the pupil whether the superintendent of schools of the school district or the governing body of the charter school, as applicable, approves the good-cause exemption.*

*6. The principal of a school in which a pupil for whom a good-cause exemption is approved and who is promoted to grade 4 must ensure that the pupil continues to receive intensive instruction in the subject area of reading. Such instruction must include, without limitation, strategies based upon scientifically based research that will improve proficiency in the subject area of reading.*

*7. The State Board shall prescribe by regulation:*

*(a) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 to be promoted to grade 4 without a good-cause exemption; and*

*(b) An alternate examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 and the passing score such a pupil must obtain on the alternate examination to be promoted to grade 4 without a good-cause exemption.*

*8. As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

*Sec. 11. 1. If a pupil will be retained in grade 3 pursuant to section 10 of this act, the principal of the school must:*

*(a) Provide written notice to the parent or legal guardian of the pupil that the pupil will be retained in grade 3. The written notice must include, without limitation, a description of the intensive instructional services in the subject area of reading that the pupil will receive to improve the proficiency of the pupil in that subject area.*

*(b) Develop a plan to monitor the progress of the pupil in the subject area of reading.*

*(c) Require the teacher of the pupil to develop a portfolio of the pupil’s work in the subject area of reading, which must be updated as necessary to reflect progress made by the pupil.*

*(d) Ensure that the pupil receives intensive instructional services in the subject area of reading that are designed to improve the pupil’s proficiency in the subject area of reading, including, without limitation:*

*(1) Programs and services included in the plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3 approved by the Department pursuant to section 5 of this act;*

*(2) Instruction for at least 90 minutes each school day based upon scientifically based reading instruction research; and*

*(3) Intensive instructional services prescribed by the board of trustees of the school district pursuant to subsection 2, as determined appropriate for the pupil.*

*2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:*

*(a) Review and evaluate the plans for monitoring the progress of pupils developed pursuant to subsection 1.*

*(b) Prescribe the intensive instructional services in the subject area of reading which the principal of a school must implement as determined appropriate for a pupil who is retained in grade 3 pursuant to section 10 of this act, which may include, without limitation:*

*(1) Instruction that is provided in small groups;*

*(2) Instruction provided in classes with reduced pupil-teacher ratios;*

*(3) A timeline for frequently monitoring the progress of the pupil;*

*(4) Tutoring and mentoring;*

*(5) Classes which are designed to increase the ability of pupils to transition from grade 3 to grade 4;*

*(6) Instruction provided through an extended school day, school week or school year;*

*(7) Programs to improve a pupil's proficiency in reading which are offered during the summer; or*

*(8) Any combination of the services set forth in subparagraphs (1) to (7), inclusive.*

*3. Except as otherwise provided in subsection 4, the intensive instructional services in the subject area of reading required by this section must be provided to the pupil by a teacher:*

*(a) Who is different than the teacher who provided instructional services to the pupil during the immediately preceding school year; and*

*(b) Who has been determined to be highly effective, as demonstrated by pupil performance data and performance evaluations.*

*4. The intensive instructional services in the subject area of reading required by this section may be provided to the pupil by the same teacher who provided instructional services to the pupil during the immediately preceding school year if a different teacher who meets the requirements of paragraph (b) of subsection 3 is not reasonably available and the pupil:*

*(a) Has an individualized education program; or*

*(b) Is enrolled in a school district in a county whose population is less than 100,000.*

*5. The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to section 10 of this act to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil's progress will allow him or her to sufficiently master the requirements for a fourth-grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.*

*6. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to this section, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional instructional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4 while continuing to receive remediation in the subject area of reading.*

*7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

*Sec. 12. In addition to the intensive instructional services provided to a pupil who is retained in grade 3 pursuant to section 10 of this act, the*

*principal of the school must offer the parent or legal guardian of the pupil at least one of the following instructional options:*

- 1. Supplemental tutoring which is based upon scientifically based research concerning reading instruction;*
- 2. Providing the parent or legal guardian with a plan for reading with the pupil at home and participating in any workshops that may be available in the school district to assist the parent or guardian with reading with his or her child at home, as set forth in an agreement with the parent or legal guardian; or*
- 3. Providing the pupil with a mentor or tutor who has received specialized training in teaching pupils how to read.*

**Sec. 13.** *On or before September 1 of each year, the board of trustees of each school district shall:*

- 1. Prepare a report concerning the number and percentage of pupils at each public school within the school district who were ~~retained~~ :*

*(a) Retained in grade 3 pursuant to section 10 of this act for a deficiency in the subject area of reading ~~+~~, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and*

*(b) Not retained in grade 3 because a good cause exemption was approved pursuant to section 10 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years.*

- 2. Submit a copy of the report to the Department.*
- 3. Post the report on the Internet website maintained by the school district and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.*

**Sec. 14.** NRS 392.125 is hereby amended to read as follows:

392.125 1. Except as otherwise provided in subsection 4, before any pupil enrolled in a public school may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year, the pupil's teacher and principal must make a reasonable effort to arrange a meeting and to meet with the pupil's parents or guardian to discuss the reasons and circumstances.

2. ~~The~~ *Except as otherwise provided in section 10 of this act, the teacher and the principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year.*

3. Except as otherwise provided in subsection 2 of NRS 392.033 for the promotion of a pupil to high school, no pupil may be retained more than one time in the same grade.

4. ~~This~~ *Except as otherwise provided in NRS 386.583, this section does not apply to the academic retention of pupils who are enrolled in a charter school.*

**Sec. 15.** 1. The Department of Education shall distribute the money that is appropriated to the Other State Education Programs Account in the State General Fund to carry out the purposes of sections 1 to 14, inclusive, of this act through a competitive grants program. Grants must be awarded by

the Department based on the demonstrated needs of the school districts and charter schools and will be awarded to school districts and to charter schools that have been approved by the State Public Charter School Authority. Grants must be used for literacy programs for pupils enrolled in kindergarten and grades 1, 2 and 3 established pursuant to section 5 of this act and to support other school-based efforts to ensure that all pupils are proficient in the subject area of reading by the end of the third grade. Such school-based efforts may include, without limitation:

- (a) Hiring or training learning strategists;
- (b) Entering into contracts with vendors for the purchase of reading assessments, textbooks, computer software or other materials;
- (c) Providing professional development for school personnel;
- (d) Providing programs to pupils before and after school and during intercessions or summer school; and
- (e) Providing other evidence-based literacy initiatives for pupils enrolled in kindergarten and grades 1, 2 and 3.

2. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to subsection 1 shall:

- (a) Set measurable performance objectives based on aggregated pupil achievement data; and
- (b) Prepare and submit to the Department of Education, on or before July 1, 2016, a report that includes, without limitation:
  - (1) A description of the programs or services for which the money was used by each school; and
  - (2) The number of pupils who participated in a program or received services.

3. The Department of Education shall, to the extent that money is available for that purpose, hire an independent consultant to evaluate the programs or services paid for by a grant of money received by a school district or charter school pursuant to subsection 1.

4. The Department of Education shall prepare a report that includes, without limitation:

- (a) Identification of the schools that received an allocation of money by the school district or grant of money from the Department, as applicable;
- (b) The amount of money received by each school;
- (c) A description of the programs or services for which the money was used by each school;
- (d) The number of pupils who participated in a program or received services;
- (e) The average expenditure per pupil for each program or service;
- (f) An evaluation of the effectiveness of the program or service, including, without limitation, data regarding the academic and linguistic achievement and proficiency of pupils who participated in such a program or received such services; and



(g) Any recommendations for legislation, including, without limitation, legislation to continue or expand programs or services that are identified as effective in improving the reading proficiency of pupils in kindergarten through grade 3.

5. On or before August 31, 2016, the Department of Education shall submit a preliminary report prepared pursuant to subsection 4 to the State Board of Education and the Legislative Committee on Education. On or before November 15, 2016, the Department shall submit the final report prepared pursuant to subsection 4 and any recommendations made by the State Board or the Legislative Committee on Education to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature.

6. Any money awarded to a school district or charter school from the money appropriated to the Other State Education Programs Account in the State General Fund pursuant to subsection 1:

(a) Must be accounted for separately from any other money received by the school districts or charter school, as applicable, and used only for the purposes specified in this section.

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

**Sec. 16.** This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act and for all other purposes:

1. This section, sections 4 to 9, inclusive, and 15 of this act become effective on July 1, 2015.

2. Sections 1, 2, 3 and 10 to 14, inclusive, of this act become effective on July 1, 2019.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 895 to Senate Bill 391 adds Assemblyman Elliot Anderson as a joint sponsor of the bill. It also requires that if a pupil exhibits deficiencies in the subject area of reading, a written notice to the parent or legal guardian must describe, explain, and if appropriate, demonstrate the strategies that may be used to improve reading and English literacy. It requires the report prepared by the board of trustees of each school district or the governing body of a charter school include whether or not the pupil was previously retained in kindergarten or Grade 1 or 2 and not retained in Grade 3 because a good cause exemption was approved but who were previously retained in kindergarten or Grade 1 or 2 for a total of two years.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 474.

Bill read second time.

The following amendment was proposed by the Committee on Education:  
Amendment No. 910.

AN ACT relating to education; creating the Great Teaching and Leading Fund; prescribing the administration and use of money in the Fund; authorizing certain entities to submit an application to the State Board of Education for a grant of money from the Fund; **requiring the Superintendent of Public Instruction to post a list of each gift or grant received for deposit in the Fund on the Internet website maintained by the Department of Education;** requiring school districts and charter schools to ensure that certain professional development is available to teachers and administrators; revising provisions governing the provision of training by the regional training programs for the professional development of teachers and administrators; creating the Advisory Task Force on Educator Professional Development to study and report on matters relating to professional development of teachers, school administrators and other educational personnel; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 1.5** of this bill creates the Great Teaching and Leading Fund in the State General Fund, to be administered by the Superintendent of Public Instruction. **Section 1.5** also authorizes the following entities to submit an application to the State Board of Education for a grant of money from the Fund: (1) the governing body of a regional training program for the professional development of teachers and administrators; (2) the board of trustees of a school district; (3) the governing body of a charter school; (4) the State Public Charter School Authority; (5) a university, state college or community college within the Nevada System of Higher Education; (6) employee associations representing licensed educational personnel; and (7) nonprofit educational organizations. **Section 1.5** further requires the State Board of Education to prescribe annually the priorities of programs for which grants of money may be awarded from the Fund and requires an application submitted by an entity to address how the money will be used in accordance with those priorities. An entity that receives a grant of money from the Fund is required to use the money in accordance with the priorities to provide: (1) professional development for teachers, administrators and other licensed educational personnel; (2) programs of preparation for teachers, administrators and other licensed educational personnel; (3) programs of peer assistance and review for teachers, administrators and other licensed educational personnel; (4) programs for leadership training and development; and (5) programs to recruit, select and retain effective teachers and principals. ~~Finally, section~~ **Section 1.5 additionally** requires the Superintendent of Public Instruction, to the extent money is available for this purpose, to **:(1) contract for an independent evaluation of the effectiveness of the grants made from the Fund; and (2) if such an evaluation is**

**conducted, submit a report of the results to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature or the Legislative Committee on Education. Section 1.5 also requires the Superintendent of Public Instruction to: (1) post a list of each gift or grant received for deposit in the Fund on the Internet website maintained by the Department; (2) update the list annually; and (3) transmit the list to the next regular session of the Legislature or the Legislative Committee on Education.**

**Section 1.7** of this bill requires the board of trustees of each school district and the governing body of each charter school to ensure that teachers and administrators have access to high-quality, ongoing professional development training.

Existing law creates three regional training programs for the professional development of teachers and administrators and requires the governing body of each regional training program to make an assessment of the training needs of teachers and administrators who are employed by school districts within the primary jurisdiction of the regional training program and provide training based upon that assessment. (NRS 391.512, 391.544) **Section 2** of this bill requires the provision of training by a regional training program to also be based upon the priorities of programs prescribed by the State Board pursuant to **section 1.5**.

**Section 3.5** of this bill creates the Advisory Task Force on Educator Professional Development to study certain issues relating to professional development of teachers, school administrators and other educational personnel. The Task Force is required to meet at least four times before June 30, 2016, and prepare a final report with its findings and recommendations which must be distributed to the Governor, the State Board of Education, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

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

**Section 1.** Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.

**Sec. 1.5. 1. *The Great Teaching and Leading Fund is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent may accept gifts and grants from any source for deposit in the Fund. Any money from such gifts and grants must be expended only in accordance with the terms and conditions of the gift or grant, or in accordance with this section.***

**2. *The interest and income earned on:***

**(a) *Money in the Fund, after deducting any applicable charges; and***

**(b) *Unexpended appropriations made to the Fund from the State General Fund,***

**↪ *must be credited to the Fund.***

3. Any money in the Fund and any unexpended appropriations made to the Fund from the State General Fund remaining at the end of a fiscal year do not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.

4. The money in the Fund may only be used for public schools and public education, as authorized by the Legislature and in accordance with the priorities of programs prescribed by the State Board pursuant to subsection 8.

5. The Superintendent of Public Instruction shall coordinate the annual distribution of grants of money from the Fund to the following entities whose applications for a grant are approved:

(a) The governing body of a regional training program for the professional development of teachers and administrators.

(b) The board of trustees of a school district.

(c) The governing body of a charter school.

(d) The State Public Charter School Authority.

(e) A university, state college or community college within the Nevada System of Higher Education.

(f) Employee associations representing licensed educational personnel.

(g) Nonprofit educational organizations.

6. The Superintendent of Public Instruction shall:

(a) Prescribe the form for an entity described in subsection 5 to submit an application for a grant of money from the Fund and the deadline for submission of such an application.

(b) Assign a committee to review the applications and make recommendations to the Superintendent for awarding grants of money from the Fund.

(c) Make recommendations to the State Board regarding awarding grants of money from the Fund.

7. Based upon the recommendations made by the Superintendent of Public Instruction pursuant to paragraph (c) of subsection 6 and to the extent money is available in the Fund, the State Board shall award grants of money to each entity with an approved application not later than December 31 of each year. To the extent that money is available, a grant of money from the Fund may be awarded for ~~for~~ the period of up to 5 ~~specified by the applicant in the application, not to exceed 3~~ years. The State Board may not award more than ~~25~~ 20 percent of the money placed in the Fund by legislative appropriation to any single entity in a fiscal year.

8. On or before September 30 of each year, the State Board shall prescribe the priorities of programs set forth in subsection 10 for which grants of money will be made from the Fund on or before December 31 of that year. In developing the priorities, the State Board shall review and consider the assessment of the training needs of teachers and administrators made by the governing body of each regional training

*program for the professional development of teachers and administrators pursuant to NRS 391.540.*

*9. An entity described in subsection 5 may submit an application for a grant of money on the form prescribed by the Superintendent of Public Instruction, which must include, without limitation, a description of how the entity will use money from the grant to address the priorities prescribed by the State Board pursuant to subsection 8 ~~7~~ and the period for which the grant is requested, not to exceed 3 years.*

*10. An entity that receives a grant of money from the Fund shall use the money in accordance with the priorities of programs prescribed by the State Board pursuant to subsection 8 to provide:*

- (a) Professional development for teachers, administrators and other licensed educational personnel;*
- (b) Programs of preparation for teachers, administrators and other licensed educational personnel;*
- (c) Programs of peer assistance and review for teachers, administrators and other licensed educational personnel;*
- (d) Programs for leadership training and development; and*
- (e) Programs to recruit, select and retain effective teachers and principals.*

*11. An entity that receives a grant of money from the Fund shall provide a report annually if the entity receives a grant of money for more than 1 year or, if the entity receives a grant of money for 1 year or less, within 120 days after the conclusion of the grant to the Superintendent of Public Instruction in the form prescribed by the Superintendent that includes, without limitation, a description of:*

- (a) The programs for which the grant of money was used.*
- (b) The effectiveness of the grant of money in:*
  - (1) Improving the achievement of pupils;*
  - (2) Assisting teachers, administrators and other licensed educational personnel; and*
  - (3) Improving the recruitment, selection and retention of effective teachers and principals.*

*12. To the extent money is available from legislative appropriation or otherwise, the Superintendent of Public Instruction shall contract for an independent evaluation of the effectiveness of the grants of money from the Fund, including, without limitation, a review and analysis of data relating to:*

- (a) Changes in instructional or administrative practices;*
- (b) The achievement of pupils; and*
- (c) The recruitment, selection and retention of effective teachers and administrators.*

*↪ The Superintendent of Public Instruction shall consult with the Statewide Council for the Coordination of the Regional Training Programs in determining the duties of the contractor.*

13. If the Superintendent of Public Instruction contracts for an independent evaluation of the effectiveness of the grants of money from the Fund pursuant to subsection 12, the Superintendent shall submit a report of the results of the evaluation to:

(a) The Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(b) If the report is completed before September 1 of an even-numbered year, the Legislative Committee on Education.

14. The Superintendent of Public Instruction shall:

(a) Post on the Internet website maintained by the Department a list of each gift or grant, if any, received pursuant to subsection 1 for deposit in the Fund and the name of the donor of the gift or grant.

(b) Update the list annually.

(c) On or before February 1 of each year, transmit the list prepared for the immediately preceding year:

(1) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(2) In even-numbered years, to the Legislative Committee on Education.

Sec. 1.7. *The board of trustees of each school district and the governing body of each charter school shall ensure that the teachers and administrators employed by the school district or charter school have access to high-quality, ongoing professional development training. The professional development training must include, without limitation, training concerning:*

1. The academic standards adopted by the State Board, including, without limitation, the academic standards for science.

2. The academic standards and curriculum in English language development and literacy.

3. The curriculum and instruction required for courses of study in ~~science~~ :

(a) Science, technology, engineering and mathematics.

(b) English language development and literacy.

4. The cultural competency required to meet the social, emotional and academic needs of certain categories of pupils enrolled in the school, including, without limitation, pupils who are at risk, pupils who are limited English proficient, pupils with disabilities and gifted and talented pupils.

Sec. 2. NRS 391.544 is hereby amended to read as follows:

391.544 1. Based upon the *priorities of programs prescribed by the State Board pursuant to subsection 8 of section 1.5 of this act and the assessment of needs for training within the region and priorities of training adopted by the governing body pursuant to NRS 391.540, each regional training program shall provide:*

*(a) Training for teachers and other licensed educational personnel in the:*

(1) Standards established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(2) Curriculum and instruction required for the ~~common core state~~ standards adopted by the State Board;

(3) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and

(4) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:

(1) Phonemic awareness;

(2) Phonics;

(3) Vocabulary;

(4) Fluency;

(5) Comprehension; and

(6) Motivation.

(c) Training for administrators who conduct the evaluations required pursuant to NRS 391.3125 and 391.3127 relating to the manner in which such evaluations are conducted. Such training must be developed in consultation with the Teachers and Leaders Council of Nevada created by NRS 391.455.

(d) Training for teachers, administrators and other licensed educational personnel relating to correcting deficiencies and addressing recommendations for improvement in performance that are identified in the evaluations conducted pursuant to NRS 391.3125 or 391.3127.

(e) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.

(3) In addition to the training provided pursuant to paragraph (b), training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

(f) In accordance with the program established by the Statewide Council pursuant to paragraph (b) of subsection 2 of NRS 391.520 training for:

(1) Teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build

the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are limited English proficient.

3. The governing body of each regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

↪ The governing body shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in NRS 391.512 to provide professional development to the teachers and administrators employed by the school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

**Sec. 3.** Notwithstanding the provisions of subsection 8 of section 1.5 of this act, for Fiscal Year 2015-2016, the priorities of programs for which grants of money may be made from the Great Teaching and Leading Fund created by section 1.5 of this act must address:

1. The provision of professional development for teachers to provide instruction in the standards of content and performance for the subject area of science;

2. The implementation of the statewide performance evaluation system established pursuant to NRS 391.465;



3. The recruitment, selection and retention of effective teachers and principals; and

4. Programs of leadership training and development.

**Sec. 3.5.** 1. The Advisory Task Force on Educator Professional Development is hereby created consisting of:

(a) Two members of the State Board of Education, appointed by the President of the Board;

(b) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

(c) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;

(d) One member who is a teacher, appointed by the Nevada State Education Association; and

(e) One member of the Statewide Council for the Coordination of the Regional Training Programs, appointed by the Chair of the Council.

2. The Task Force shall study:

(a) The cost of professional development for teachers and school administrators in this State and the use and availability of regional training programs created pursuant to NRS 391.512;

(b) Federal funding available for the professional development of teachers and school administrators in this State;

(c) The effectiveness of the manner in which professional development is delivered to teachers and administrators in this State;

(d) The standards and quality of professional development provided to teachers and school administrators in this State;

(e) The effectiveness of the programs for professional development provided to teachers and school administrators in this State;

(f) Professional development for paraprofessionals and other educational personnel; and

(g) The structure for the delivery of professional development.

3. At the first meeting of the Task Force, the members of the Task Force shall elect a Chair by majority vote.

4. The Task Force shall hold its first meeting by not later than August 31, 2015, and shall meet not less than four times before June 30, 2016.

5. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Task Force.

6. The Department of Education shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties.

7. The Legislators who are members of the Task Force are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Task Force the per diem allowance provided for state

officers generally, and travel expenses provided pursuant to NRS 218A.655. Such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

8. While engaged in the business of the Task Force, to the extent that money is available for that purpose, the members of the Task Force who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. A member of the Task Force who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Task Force to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Task Force; or

(b) Take annual leave or compensatory time for the absence.

10. By not later than December 31, 2016, the Task Force shall complete a final report with its findings and any recommendations, including, without limitation, recommendations regarding budgets, changes to regulations and legislation ~~and~~ **and the adoption of statewide standards for professional development.** The Superintendent of Public Instruction shall assist the Task Force in preparing the final report. The final report must be submitted to the Governor, the State Board of Education, the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

**Sec. 3.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

**Sec. 4.** This act becomes effective upon passage and approval.

Assemblywoman Woodbury moved the adoption of the amendment.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

Amendment 910 to Senate Bill 474 specifies that grant money awarded to an applicant be for a term not to exceed three years. It requires the Superintendent of Public Instruction to submit a report of the results of the evaluation of the effectiveness of the grants to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature and if the report is completed before September 1 of an even-numbered year, the Legislative Committee on Education.

The Superintendent is required to post a list of each gift or grant, if any, received for deposit in the Fund and the name of the donor of the gift or grant on the Department of Education's website and update the list annually. This list is required to be transmitted to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature and if the report is completed before September 1 of an even-numbered year, the Legislative Committee on Education.

The professional development training required must include, without limitation, the academic standards adopted by the State Board for science, technology, engineering, and mathematics; English language development and literacy; and cultural competency required to meet the social, emotional, and academic needs of certain categories of pupils enrolled at the school, including without limitation, pupils who are at risk, pupils who are limited English proficient, pupils with disabilities, and gifted and talented pupils.

Finally, the Advisory Task Force on Educator Professional Development is required to complete a final report with its findings and recommendation that will include the adoption of statewide standards for professional development.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 503.

Bill read second time and ordered to third reading.

Senate Bill No. 510.

Bill read second time and ordered to third reading.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 161.

Bill read third time.

Remarks by Assemblymen Bustamante Adams, Titus, Gardner, and Nelson.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Assembly Bill 161 provides for the Office of Economic Development to grant a partial abatement of property taxes and sales and use taxes for up to 20 years for qualified new and existing aircraft-related businesses if the business meets certain employment requirements and eligibility criteria as set forth in the bill.

The amount of the sales and use tax abatement is equal to all sales and use taxes except for the state 2 percent rate, and the property tax abatement is equal to all personal property taxes.

The sales and use and property tax abatements are for tangible personal property used to operate, manufacture, service, maintain, test, repair, overhaul, or assemble an aircraft or any component of an aircraft.

The sales and use tax abatement does not apply to the actual sales and use tax due on the purchase of an aircraft.

Assembly Bill 161 also repeals provisions of current law that authorize a sales and use tax exemption for aircraft and major components of aircraft under certain circumstances, which the Nevada Supreme Court has ruled as unconstitutional.

ASSEMBLYWOMAN TITUS:

I unfortunately rise in opposition to A.B. 161. I am a proud pilot, owner of an antique aircraft, and a senior aviation medical examiner, so I love the aviation industry. If we had a fair tax system in this great state of Nevada, we would not need to give abatements, so I am rising in protest that we have to give abatements.

ASSEMBLYMAN GARDNER:

I have a question for the Assemblywoman from District 42. I was just wondering, I saw in the amendment that it was increased from 10 years to 20 years. Could I get the reasoning behind that please?

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Thank you for the question. It was a compromise among all the stakeholders included. There was a similar bill in the Senate that had 20 years. My bill had 10 years, and the compromise was for us to do it for 20 years. There was a timeframe for 20 years that we felt was enough to be able to—especially the UAV [Unmanned Aerial Vehicles] industry that is coming to our state—get them up and going. No pun intended.

ASSEMBLYMAN NELSON:

In response to the question from my colleague from the south, it also had to do with the depreciation of buildings, so that they could depreciate them over 20 years instead of 10 years.

Roll call on Assembly Bill No. 161:

YEAS—39.

NAYS—Shelton, Titus—2.

EXCUSED—Kirkpatrick.

Assembly Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 166.

The following Senate amendment was read:

Amendment No. 848.

AN ACT relating to education; providing for the establishment of the State Seal of Biliteracy Program to recognize pupils who have attained a high level of proficiency in one or more languages in addition to English; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 2** of this bill provides for the establishment of the State Seal of Biliteracy Program to recognize pupils who have attained a high level of proficiency in one or more languages in addition to English by affixing the State Seal of Biliteracy to the diploma and **noting the receipt of the State Seal of Biliteracy on the** transcript of each pupil who meets certain requirements. **Section 3** of this bill prescribes the requirements that a pupil must meet in order to be awarded the State Seal of Biliteracy.

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

**Section 1.** Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1. *The Superintendent of Public Instruction shall establish a State Seal of Biliteracy Program to recognize pupils who graduate from a public high school, including, without limitation, a charter school and a university school for profoundly gifted pupils, who have attained a high level of proficiency in one or more languages in addition to English.***

*2. The Superintendent of Public Instruction shall:*

*(a) Create a State Seal of Biliteracy that may be affixed to the diploma and noted on the transcript of a pupil to recognize that the pupil has met the requirements of section 3 of this act; and*

*(b) Deliver the State Seal of Biliteracy to each school district, charter school and university school for profoundly gifted pupils that participates in the program.*

*3. Any school district, charter school and university school for profoundly gifted pupils may participate in the State Seal of Biliteracy Program by notifying the Superintendent of Public Instruction of its intent to participate in the Program.*

*4. Each board of trustees of a school district and governing body of a charter school or university school for profoundly gifted pupils that participates in the State Seal of Biliteracy Program shall:*

*(a) Identify the pupils who have met the requirements to be awarded the State Seal of Biliteracy; and*

*(b) Affix the State Seal of Biliteracy to the diploma and note the receipt of the State Seal of Biliteracy on the transcript of each pupil who meets those requirements.*

*5. The Superintendent of Public Instruction may adopt regulations as necessary to carry out the provisions of this section and section 3 of this act.*

*Sec. 3. A school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of Biliteracy Program established pursuant to section 2 of this act must award a pupil, upon graduation from high school, a high school diploma with a State Seal of Biliteracy if the pupil:*

*1. Successfully completes all courses of study in English language arts that are required for graduation with at least a 2.0 grade point average, on a 4.0 grading scale;*

*2. Passes the end-of-course examinations in English language arts required pursuant to NRS 389.805;*

*3. Demonstrates proficiency in one or more languages other than English:*

*(a) By passing an advanced placement examination in a world language with a score of 3 or higher or passing an international baccalaureate examination in a world language with a score of 4 or higher; or*

*(b) By passing an examination in a world language, if the examination is approved by the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils, as applicable; and*

*4. If the primary language of the pupil is not English, demonstrates proficiency in English on an assessment designated by the Department.*

*Sec. 4. This act becomes effective on July 1, 2015.*

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 848 to Assembly Bill No. 166.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

The amendment clarifies that the State Seal of Biliteracy will be noted on a student's transcript rather than affixed to it.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 205.

The following Senate amendment was read:

Amendment No. 803.

AN ACT relating to education; requiring the Legislative Committee on Education to consider guidelines, parameters and financial plans for certain mentorship programs; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Legislative Committee on Education. The Committee meets during the legislative interim to evaluate, review and comment upon issues related to education in this State. (NRS 218E.600-218E.615) This bill requires the Committee, during the 2015-2016 legislative interim, to consider guidelines, parameters and financial plans for certain mentorship programs in this State to aid in addressing issues relating to education, college and career readiness, health, criminal justice and employment with respect to children residing in this State, including, without limitation, children who are disproportionately at risk of: (1) being deprived of the opportunity to develop and maintain a competitive position in the economy; (2) failing to make adequate yearly progress in school; or (3) entering the juvenile justice system.

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

**Section 1.** (Deleted by amendment.)

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** (Deleted by amendment.)

**Sec. 4.** (Deleted by amendment.)

**Sec. 5.** (Deleted by amendment.)

**Sec. 6.** (Deleted by amendment.)

**Sec. 7.** (Deleted by amendment.)

**Sec. 7.5.** 1. As part of its review of issues related to education during the 2015-2016 legislative interim, the Legislative Committee on Education created by NRS 218E.605 shall consider guidelines, parameters and financial plans for mentorship programs that are established or may be established in this State to address issues relating to education, college and career readiness, health, criminal justice and employment with respect to school-

age children, including, without limitation, children who are disproportionately at risk of:

- (a) Being deprived of the opportunity to develop and to maintain a competitive position in the economy;
- (b) Failing to make adequate yearly progress in school; or
- (c) Entering the juvenile justice system.

2. Not later than February 6, 2017, the Committee shall prepare and submit a written report to the Director of the Legislative Counsel Bureau, for transmittal to the 79th Session of the Nevada Legislature, concerning the Committee's consideration of the matters described in this section and any recommendations for legislation.

**Sec. 8.** This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved that the Assembly concur in the Senate amendment No. 803 to Assembly Bill No. 205.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

The amendment adds planning for college and career readiness to the issues addressed by mentorship programs.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 206.

The following Senate amendment was read:

Amendment No. 802.

AN ACT relating to education; requiring ~~for certain notices provided by~~ a principal at a public school to **provide certain information to** the parent or guardian of a pupil **who was included in a report of bullying or who school authorities believe has certain issues** relating to ~~the~~ **his or her** health ~~for bullying of the pupil to include a list of~~ **regarding** resources that may be available in the community for the pupil; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the principal of a public school or his or her designee to provide written notice to the parent or legal guardian of any pupil involved in a bullying or cyber-bullying incident on the premises of the school, at an activity sponsored by the school or on a school bus. (NRS 388.135, 388.1351) **Section 1 of this bill requires the principal of a public school or his or her designee to provide a list of any resources that may be available in the community to assist a pupil to each parent or legal guardian of a pupil to whom written notice was provided, if such information is available.**

Existing law also requires public school authorities to notify the parent or guardian of a child who is found or believed to have scoliosis, any visual or auditory problems or any gross physical defect. (NRS 392.420) ~~This~~ **Section 2 of this** bill requires any written notice required pursuant to these

provisions to include a list of any resources that may be available in the community to ~~assist the pupil or~~ provide appropriate medical attention, if such information is available.

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

**Section 1.** NRS 388.1351 is hereby amended to read as follows:

388.1351 1. A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. The principal or the designee shall provide written notice of a reported violation of NRS 388.135 to the parent or legal guardian of each pupil involved in the reported violation. The notice must include, without limitation a ~~f~~

~~(a) A~~ statement that the principal or the designee will be conducting an investigation into the reported violation and that the parent or legal guardian may discuss with the principal or the designee any counseling and intervention services that are available to the pupil f ~~and~~

~~(b) To the extent that information is available, a list of any resources that may be available in the community to assist the pupil, including, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.~~

3. The investigation *conducted pursuant to subsection 2* must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

~~3.~~ 4. The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

5. To the extent that information is available, the principal or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or



**her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.**

**Sec. 2.** NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

↪ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

3. A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

4. The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it. ***Any written notice provided to the parent or guardian of a child pursuant to this subsection must include, to the extent that information is available, a list of any resources that may be available in the community to provide such medical attention, including,***

*without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.*

5. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

6. The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

7. The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

8. Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the Chief Medical Officer in the format prescribed by the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

**Sec. 3.** This act becomes effective on July 1, 2015.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 802 to Assembly Bill No. 206.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

The amendment conforms the bill's notice requirements with the language contained in Senate Bill 504.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 321.

The following Senate amendment was read:

Amendment No. 805.

AN ACT relating to schools; requiring school districts to enter into contracts with charter schools for the provision of school police officers in certain circumstances; requiring a **charter school or private school to provide certain notice to the** primary law enforcement agency ~~to respond to requests for assistance relating to certain offenses at schools;~~ **where the school is located;** requiring a chief of school police to supervise a school police officer who provides services to a charter school under certain circumstances; clarifying that the jurisdiction of school police officers extends to all charter school property, buildings and facilities that have contracted with the board of trustees of the school district; **requiring a law enforcement agency that is contacted for assistance by a public school or private school which does not have school police to respond according to certain protocols; requiring a local law enforcement agency to consider notifying public schools or private schools when responding to certain situations or when notifying another school regarding a crisis or emergency;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school police officers. (NRS 386.560) **Section ~~##~~ 1.2** of this bill requires the board of trustees of a school district to enter into a contract to provide school police officers to a charter school if the governing body of a charter school makes a request for the provision of school police officers. **Sections 3 and 4** of this bill make conforming changes.

~~Section 5 of this bill authorizes the principal or a teacher at a public school, including a charter school, and a school police officer, to notify the primary law enforcement agency in the city or county where the school is located when: (1) certain offenses have been committed in the presence of the principal, teacher or officer; (2) the principal, teacher or officer has reasonable cause to believe certain offenses have been committed; or (3) the principal, teacher or officer believes that a serious threat to commit such an offense has been made which may be carried out if no action is taken. Section 5 also requires a primary law enforcement agency to respond when it receives such notice of an alleged offense or threat, regardless of whether the school has school police officers.~~

**Section 1.4 of this bill requires a charter school to notify the primary law enforcement agency where the charter school is located of: (1) the location of the charter school; (2) the names of authorized contact persons for the charter school; (3) the number of pupils enrolled in the charter school; and (4) the maximum number of pupils that may enroll in the charter school. Section 1.4 also requires a charter school to notify the primary law enforcement agency if the charter school relocates and**

**if the name of any authorized contact person changes. Section 7.4 of this bill requires a private school to provide notice containing the same information to the primary law enforcement agency where the private school is located. Section 8.5 of this bill requires each charter school and each private school in this State to provide such notice as soon as practicable after July 1, 2015, but before the first day of the 2015-2016 school year regardless of when the school commenced operation.**

Existing law requires the board of trustees of a school district to employ a law enforcement officer to serve as the chief of school police and supervise each person employed as a school police officer. (NRS 391.100) **Section 6** of this bill requires a chief of school police to supervise any school police officer that provides services to a charter school pursuant to a contract between the governing body of a charter school and the board of trustees of the school district in which the charter school is located to provide police officers.

Existing law authorizes the board of trustees of a school district in a county that has a metropolitan police department to contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department. Existing law also authorizes the board of trustees of a school district in a county that does not have a metropolitan police department to contract with the sheriff of that county for the provision of police services in the public schools within the school district. (NRS 391.100) **Section 6** also clarifies that the board of trustees of a school district may contract with the metropolitan police department or the sheriff of the county, as applicable, for the provision and supervision of police services in a charter school.

Existing law extends the jurisdiction of school police officers to all school property, buildings and facilities for the purpose of protecting personnel, pupils and property. (NRS 391.275) **Section 7** of this bill clarifies that the jurisdiction of school police officers extends to all charter school property, buildings and facilities that have contracted with the board of trustees of the school district for police services. **Section 7 also requires a law enforcement agency that is contacted for assistance by a public school or private school which does not have school police to respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.**

**Existing law requires the principal of a public school or private school to contact all appropriate local agencies to respond to a crisis or emergency that occurs at a public school or private school. (NRS 392.648, 394.1696) Sections 7.2 and 7.6 of this bill, respectively, require a local law enforcement agency to consider whether it is necessary and appropriate to notify any other public school or private school of the crisis or emergency under certain circumstances. Sections 7.2 and 7.6 require this notification to include any information necessary for the school to appropriately respond to the crisis or emergency.**

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

**Section 1.** Chapter 386 of NRS is hereby amended by adding thereto ~~the~~ new section to read **the provisions set forth as follows: sections 1.2 and 1.4 of this act.**

**Sec. 1.2. 1.** *If the governing body of a charter school makes a request to the board of trustees of the school district in which the charter school is located for the provision of school police officers pursuant to NRS 386.560, the board of trustees of the school district must enter into a contract with the governing body for that purpose. Such a contract must provide for payment by the charter school for the provision of school police officers by the school district which must be in an amount not to exceed the actual cost to the school district of providing the officers ~~for~~, including, without limitation, any other costs associated with providing the officers. If the school district is the sponsor of the charter school, the contract entered into pursuant to this section must be separate from any other contract or agreement with the sponsor.*

*2. Any contract for the provision of school police officers pursuant to this section must be entered into between the governing body of the charter school and the board of trustees of the school district by not later than March 15 for the next school year and must provide for the provision of school police officers for not less than 3 school years.*

*3. A school district that enters into a contract pursuant to this section with a charter school for the provision of school police officers is immune from civil and criminal liability for any act or omission of a school police officer that provides services to the charter school pursuant to the contract.*

**Sec. 1.4. 1.** As soon as practicable after commencing operation, but before the first day of the school year, a charter school shall notify the primary law enforcement agency where the charter school is located of:

- (a) The location of the charter school;
- (b) The names of authorized contact persons for the charter school, including, without limitation, the principal and vice principal of the charter school;
- (c) The number of pupils enrolled in the charter school; and
- (d) The maximum number of pupils that may enroll in the charter school.

2. As soon as practicable, but not later than 30 days after a charter school relocates or the name of any authorized contact person changes, the charter school shall notify the primary law enforcement agency of the relocation or change.

3. As used in this section, “primary law enforcement agency” means, as applicable:

- (a) The police department of an incorporated city;
- (b) The sheriff’s office of a county; or

**(c) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.**

**Sec. 2.** NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.649, inclusive, ~~and *section 1*~~ ***sections 1.2 and 1.4 of this act***, the words and terms defined in NRS 386.492 to 386.503, inclusive, have the meanings ascribed to them in those sections.

**Sec. 3.** NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 386.561 before the provision of such services ~~††~~ ***, other than for the provision of school police officers when the provisions of section ~~††~~ 1.2 of this act apply.***

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at

the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

↪ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

6. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

↪ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

7. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 5 and 6 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

**Sec. 4.** NRS 386.563 is hereby amended to read as follows:

386.563 1. Unless otherwise authorized by specific statute, it is unlawful for a member of the board of trustees of a school district or an employee of a school district to solicit or accept any gift or payment of money on his or her own behalf or on behalf of the school district or for any other purpose from a member of a committee to form a charter school, the governing body of a charter school, or any officer or employee of a charter school.

2. This section does not prohibit the payment of a salary or other compensation or income to a member of the board of trustees or an employee

of a school district for services provided in accordance with a contract made pursuant to NRS 386.560 ~~††~~ or ~~section †† 1.2 of this act.~~

3. A person who violates subsection 1 shall be punished for a misdemeanor.

Sec. 5. ~~†Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. At any public school, including, without limitation, a charter school, the principal of the school, a teacher or a school police officer may notify the primary law enforcement agency in the city or county, as appropriate, where the school is located when:~~

~~(a) An offense involving serious bodily harm has been committed in the presence of the principal, teacher or school police officer;~~

~~(b) The principal, teacher or school police officer has reasonable cause to believe such an offense has been committed; or~~

~~(c) The principal, teacher or school police officer believes that a serious threat to commit such an offense has been made which may be carried out if no action is taken.~~

~~2. If notified pursuant to subsection 1 of an alleged offense or threat to commit an offense, the primary law enforcement agency must respond, even if the school has school police officers. The provisions of subsection 1 do not prohibit a principal, teacher or school police officer from:~~

~~(a) Contacting a primary law enforcement agency for assistance with any other offense or threatened offense that does not involve serious bodily harm; or~~

~~(b) Responding to any offense until the appropriate primary law enforcement agency arrives at the school. Such a response may include, without limitation, taking any appropriate action to provide assistance to a victim, to apprehend the person suspected of committing or attempting or threatening to commit the offense, to secure the location where the offense was allegedly committed or attempted and to protect the life and safety of any person who is present.~~

~~3. Upon the arrival of an officer from the primary law enforcement agency notified pursuant to subsection 2, the principal, teacher or school police officer, if applicable, shall immediately transfer the investigation of the offense, attempted offense or threatened offense to the primary law enforcement agency.~~

~~4. As used in this section, "primary law enforcement agency" means:~~

~~(a) A police department of an incorporated city;~~

~~(b) The sheriff's office of a county; or~~

~~(c) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.† (Deleted by~~

~~amendment.)~~

Sec. 6. NRS 391.100 is hereby amended to read as follows:

391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.



2. A person who is initially hired by the board of trustees of a school district on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not “initially hired” if he or she has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by the person’s current employer.

3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if the person teaches:

- (a) English, reading or language arts;
- (b) Mathematics;
- (c) Science;
- (d) Foreign language;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or
- (i) The arts.

4. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not “initially hired” if he or she has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire by the person’s current employer.

(b) Shall establish policies governing the duties and performance of teacher aides.

5. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of the applicant’s fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

6. Except as otherwise provided in subsection 7, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

- (a) Sick leave;
- (b) Sabbatical leave;
- (c) Personal leave;
- (d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;
- (e) Maternity leave; and
- (f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

↳ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

7. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

8. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer ~~††~~, ***including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to section ~~††~~ 1.2 of this act.*** In addition, persons who provide police services pursuant to subsection 9 or 10 shall be deemed school police officers.

9. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district ~~††~~ ***and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to section ~~††~~ 1.2 of this act.*** If a contract is entered into pursuant to this

subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district, ***including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to section ~~HH~~ 1.2 of this act***, and on property owned by the school district ~~HH~~, ***and if applicable, the property owned or occupied by the charter school***, but outside the jurisdiction of the metropolitan police department.

10. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district, ***including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to section ~~HH~~ 1.2 of this act***, and on property therein that is owned by the school district ~~HH~~ ***and, if applicable, the property owned or occupied by the charter school***.

**Sec. 7.** NRS 391.275 is hereby amended to read as follows:

391.275 1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district ***and, if the board of trustees has entered into a contract with a charter school for the provision of school police officers pursuant to section ~~HH~~ 1.2 of this act, all property, buildings and facilities in which the charter school is located***, for the purpose of:

(a) Protecting school district personnel, pupils, or real or personal property; or

(b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;

(b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and

(c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

**3. A law enforcement agency that is contacted for assistance by a public school or private school which does not have school police shall respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.**

**Sec. 7.2. NRS 392.648 is hereby amended to read as follows:**

392.648 1. If a crisis or an emergency that requires immediate action occurs at a public school, including, without limitation, a charter school, the principal of the school involved, or the principal's designated representative, shall, in accordance with the plan developed for the school pursuant to NRS 392.620 and in accordance with any deviation approved pursuant to NRS 392.636, contact all appropriate local agencies to respond to the crisis or the emergency.

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the plan developed pursuant to NRS 392.640 and its duties set forth in chapter 414 of NRS, including, without limitation, addressing the immediate crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

**4. If a local law enforcement agency responds to a crisis or an emergency that occurs at a public school or notifies a public school regarding a crisis or an emergency that occurs outside of the public school, the local law enforcement agency must consider whether it is necessary and appropriate to notify any other public school, including, without limitation, a charter school, or any private school of the crisis or emergency. Such notification must include, without limitation, any**

information necessary for the public school or private school to appropriately respond to the crisis or emergency.

Sec. 7.4. Chapter 394 of NRS is hereby amended by adding a new section to read as follows:

1. As soon as practicable after commencing operation, but before the first day of the school year, a private school shall notify the primary law enforcement agency where the private school is located of:

(a) The location of the private school;

(b) The names of authorized contact persons for the private school, including, without limitation, the principal and vice principal of the private school;

(c) The number of pupils enrolled in the private school; and

(d) The maximum number of pupils that may enroll in the private school.

2. As soon as practicable, but not later than 30 days after a private school relocates or the name of any authorized contact person changes, the private school shall notify the primary law enforcement agency of the relocation or change.

3. As used in this section, “primary law enforcement agency” means, as applicable:

(a) The police department of an incorporated city;

(b) The sheriff’s office of a county; or

(c) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.

Sec. 7.6. NRS 394.1696 is hereby amended to read as follows:

394.1696 1. If a crisis or an emergency that requires immediate action occurs at a private school, the principal or other person in charge of the private school involved, or his or her designated representative, shall, in accordance with the plan developed for the school pursuant to NRS 394.1687 and in accordance with any deviation approved pursuant to NRS 394.1692, contact all appropriate local agencies to respond to the crisis or the emergency.

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the

Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the plan developed pursuant to NRS 392.640 and its duties set forth in chapter 414 of NRS, including, without limitation, addressing the immediate crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

**4. If a local law enforcement agency responds to a crisis or an emergency that occurs at a private school or notifies a private school regarding a crisis or an emergency that occurs outside of the private school, the local law enforcement agency must consider whether it is necessary and appropriate to notify any public school, including, without limitation, a charter school, or any other private school of the crisis or emergency. Such notification must include, without limitation, any information necessary for the public school or private school to appropriately respond to the crisis or emergency.**

Sec. 8. NRS 280.287 is hereby amended to read as follows:

280.287 1. The department may enter into a contract with the board of trustees of the school district located in the county served by the department for the provision and supervision of police services in the public schools within the school district ***and any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to section ~~##~~ 1.2 of this act***, and on property owned by the school district ~~†~~ ***and, if applicable, on property owned or operated by a charter school***. If the department enters into a contract pursuant to this section, the department shall create a separate unit designated as the school police unit for this purpose.

2. The department may establish different qualifications and training requirements for officers assigned to the school police unit than those generally applicable to officers of the department.

**Sec. 8.5. As soon as practicable after July 1, 2015, but before the first day of the 2015-2016 school year, each charter school and each private school in this State must comply with the requirements of sections 1.4 and 7.4 of this act, respectively, regardless of when the charter school or private school commenced operation.**

**Sec. 9. ~~†. This section and section 5 of this act become~~ effective ~~upon passage and approval.~~**

~~2. Sections 1 to 4, inclusive, and 6, 7 and 8 of this act become effective~~ on July 1, 2015.

Assemblywoman Woodbury moved that the Assembly concur in the Senate Amendment No. 805 to Assembly Bill No. 321.

Remarks by Assemblywoman Woodbury.

ASSEMBLYWOMAN WOODBURY:

This amendment clarifies the cost that may be passed along from a school district to a charter school; limits the liability of a school district that contracts with a charter school; deletes section 5 related to notification of and interaction with the primary local law enforcement agency; requires a law enforcement agency contacted for assistance by a public or private school without school police to respond as it would to a call for assistance from the general public; requires all charter and private schools, after they begin operating but before the first day of school, to notify local law enforcement of certain key information; adds a transitory provision to require existing charter and private schools to also inform local law enforcement as just described; and if there is an incident for which local law enforcement notifies a public school, the amendment requires that the law enforcement agency consider whether it is necessary and appropriate to notify any other public or private school. Such notification must include any information necessary for the school to respond appropriately.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 152.

The following Senate amendment was read:

Amendment No. 771.

AN ACT relating to care of children; requiring the State Board of Health to adopt regulations ~~[prescribing guidelines for meals and snacks provided to children at child care facilities and]~~ setting forth certain requirements for child care facilities relating to breastfeeding and physical activity; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a child care facility to be licensed by the State Board of Health or, if the county or city in which the child care facility is located requires child care facilities to be licensed, by such a county or city. If a city or county licenses child care facilities, the city or county is required to adopt standards and regulations governing child care facilities that are at least as stringent as those adopted by the Board. (NRS 432A.131) ~~[Section 2 of this bill requires the Board to adopt regulations prescribing guidelines for all meals and snacks served to children by child care facilities. Section 2 also: (1) allows a child, upon the request of a parent or guardian, to receive meals and snacks that do not comply with the guidelines; and (2) provides that the guidelines do not apply to any meal prepared by a parent or guardian and brought to a child care facility by a child or a parent or guardian.]~~

**Section 3** of this bill requires the Board to adopt regulations that: (1) require a child care facility to provide an appropriate, private space where mothers may breastfeed; (2) require certain child care facilities to provide a program of physical activity; and (3) prohibit a child care facility from withholding or requiring physical activity as a form of discipline.

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

**Section 1.** Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

~~Sec. 2. *1. The Board shall adopt regulations prescribing guidelines for meals and snacks provided to children by a child care facility. Such guidelines must, without limitation:*~~

~~*(a) Ensure that each meal or snack provided to a child by a child care facility is served in a portion size appropriate for the age of the child;*~~

~~*(b) Include specific requirements concerning milk, other dairy products and juice; and*~~

~~*(c) Limit the fat and sugar content of all meals and snacks.*~~

~~*2. At the request of a parent or guardian, a child in a child care facility may receive meals and snacks from the child care facility that do not comply with the guidelines prescribed pursuant to subsection 1.*~~

~~*3. The guidelines prescribed pursuant to subsection 1 do not apply to any meal or snack prepared for a child by a parent or guardian and brought by the child or a parent or guardian to a child care facility.*~~

~~**(Deleted by amendment.)**~~

**Sec. 3. 1. The Board shall adopt regulations that:**

*(a) Require each licensee that operates a child care facility to provide an appropriate, private space on the premises of the child care facility where a mother may breastfeed.*

*(b) Require each licensee that operates a child care facility, other than an accommodation facility or a child care institution, to provide a program of physical activity that:*

*(1) Ensures that all children receive daily periods of moderate or vigorous physical activity that are appropriate for the age of the child;*

*(2) Limits the amount of sedentary activity, other than meals, snacks and naps, that children engage in each day; and*

*(3) Allows for specialized plans for children with special needs or who have disabilities.*

*(c) Prohibit an employee of or a licensee who operates a child care facility from withholding or requiring a child to participate in physical activity as a form of discipline.*

**2. As used in this section:**

*(a) "Moderate or vigorous physical activity" means activity that significantly uses arms or legs, including, without limitation, brisk walking, skipping, bicycling, hiking, dancing, kicking a ball, gardening, running, jumping, playing tag, chasing games, soccer, basketball and swimming.*

*(b) "Sedentary activity" means activity that does not significantly use arms or legs or provide significant exercise, including, without limitation, sitting, standing, reading, playing a board game, riding in a wagon or drawing.*



**Sec. 4.** (Deleted by amendment.)

**Sec. 5.** This act becomes effective:

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

2. On January 1, 2016, for all other purposes.

Assemblyman Oscarson moved that the Assembly concur in the Senate Amendment No. 771 to Assembly Bill No. 152.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment removes the requirement that the Board of Health or city or county licensing authority adopt regulations prescribing guidelines for all meals and snacks served to children by child care facilities and related provisions.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 169.

The following Senate amendment was read:

Amendment No. 767.

AN ACT relating to graywater; requiring the State Board of Health to adopt regulations concerning systems for the collection and application of graywater for a single-family residence; requiring a permit for such graywater systems; providing that state and local governmental agencies must not prohibit graywater systems that meet certain requirements; allowing restrictions on graywater systems within common-interest communities; requiring the State Board to submit a report to the Legislature; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Board of Health to adopt regulations concerning residential individual systems for the disposal of sewage, which are commonly known as septic systems, and such regulations are effective statewide except in health districts in which the district boards of health have adopted regulations concerning such systems for the district. (NRS 444.650)

**Section 6** of this bill requires the State Board of Health to adopt regulations concerning graywater systems for a single-family residence, and such regulations are effective statewide except in health districts in which the district boards of health have adopted regulations concerning such systems for the district. **Section 4** of this bill defines "graywater system" to mean any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.

**Section 6** provides that the regulations adopted by the State Board of Health or a district board of health must: (1) prohibit graywater systems where certain conditions exist; and (2) where graywater systems are allowed, require a person to apply for and obtain a permit for the use of a graywater

system. **Section 6** allows issuance of such a permit only if certain requirements are met. **If the graywater system is or will be connected to a treatment works, these requirements include that the operator of the treatment works: (1) conduct an analysis of the possible effects of the graywater system on the treatment works; and (2) report the results of the analysis to the State Board of Health or district board of health, as applicable. Section 6 requires an operator of a treatment works to conduct such an analysis within 90 days after the date on which the analysis is requested by the proposed operator of a graywater system and authorizes the operator of the treatment works to charge a fee to cover the cost of conducting the analysis.** Finally, **section 6** provides that local governments may not prohibit the use of such graywater systems.

**Section 8** of this bill provides that the State Environmental Commission may not require a person to obtain a permit under the Nevada Water Pollution Control Law (NRS 445A.300-445A.730) to use a graywater system if the person has obtained a permit from the appropriate board under the laws governing graywater systems.

**Section 11** of this bill provides that the governing documents of a unit-owners' association may prohibit or restrict the use of graywater systems within common-interest communities. (Chapter 116 of NRS) **Section 11** also provides that if the governing documents do not prohibit or restrict the use of graywater systems, such use must comply with the laws governing graywater systems.

**Section 12** of this bill requires the State Board of Health to submit to the Legislature a report stating the number and location of each permit issued pursuant to **section 6** for the operation of a graywater system.

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

**Section 1.** NRS 439.200 is hereby amended to read as follows:

439.200 1. The State Board of Health may by affirmative vote of a majority of its members adopt, amend and enforce reasonable regulations consistent with law:

- (a) To define and control dangerous communicable diseases.
- (b) To prevent and control nuisances.
- (c) To regulate sanitation and sanitary practices in the interests of the public health.
- (d) To provide for the sanitary protection of water and food supplies.
- (e) To govern and define the powers and duties of local boards of health and health officers, except with respect to the provisions of NRS 444.440 to 444.620, inclusive, 444.650, **and sections 3 to 6, inclusive, of this act**, 445A.170 to 445A.955, inclusive, and chapter 445B of NRS.
- (f) To protect and promote the public health generally.
- (g) To carry out all other purposes of this chapter.

2. Except as otherwise provided in NRS 444.650, *and sections 3 to 6, inclusive, of this act*, those regulations have the effect of law and supersede all local ordinances and regulations inconsistent therewith, except those local ordinances and regulations which are more stringent than the regulations provided for in this section.

3. The State Board of Health may grant a variance from the requirements of a regulation if it finds that:

(a) Strict application of that regulation would result in exceptional and undue hardship to the person requesting the variance; and

(b) The variance, if granted, would not:

(1) Cause substantial detriment to the public welfare; or

(2) Impair substantially the purpose of that regulation.

4. Each regulation adopted by the State Board of Health must be published immediately after adoption and issued in pamphlet form for distribution to local health officers and the residents of the State.

**Sec. 2.** Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

**Sec. 3.** *As used in NRS 444.650 and sections 3 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 and 5 of this act have the meanings ascribed to them in those sections.*

**Sec. 4.** *“Graywater system” means any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.*

**Sec. 5.** *“Recycled water” means water that has been used and subsequently treated to make it suitable for use again.*

**Sec. 6. 1.** *The State Board of Health shall adopt regulations concerning the use of graywater systems. Those regulations are effective except in a health district in which a district board of health has adopted regulations concerning the use of graywater systems in that district.*

**2.** *Except as otherwise provided in subsection 3, any regulations adopted by the State Board of Health or a district board of health concerning the use of graywater systems:*

(a) *Must prohibit the use of a graywater system in any area of the State where there is:*

(1) *The reasonable potential for return flow to a river system or a lake;*

(2) *A requirement for return flow of effluent to a river system; or*

(3) *An existing alternative program for recycled water;*

(b) *In any area of the State not prohibited pursuant to paragraph (a), must require a person to apply for and obtain a permit for the use of a graywater system; and*

(c) *Must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 8 of this act and any regulations adopted pursuant thereto.*

3. *Notwithstanding any regulations adopted pursuant to this section or NRS 444.650, in any area of the State where the use of a graywater system is otherwise prohibited for a single-family residence, a person who owns, leases or occupies a single-family residence that uses a residential individual system for the disposal of sewage may apply to obtain a permit for the use of a graywater system for that single-family residence.*

4. *The State Board of Health or a district board of health shall not issue a permit pursuant to this section unless:*

(a) *The distribution system for the graywater provides for overflow into the sewer system or a residential individual system for the disposal of sewage;*

(b) *The storage tank for the graywater is covered to restrict access and to eliminate habitat for mosquitos or other vectors;*

(c) *The graywater is vertically separated from and at least 4 feet above the groundwater table;*

(d) *All piping for the graywater is clearly identified as containing nonpotable water;*

(e) *The graywater is used on the site where it is generated and does not run off the property;*

(f) *The graywater is applied in a manner that prevents contact with people or domestic pets;*

(g) *The application of the graywater is managed to prevent standing water on the surface, avoid ponding and ensure that the hydraulic capacity of the soil is not exceeded;*

(h) *The graywater is discharged below the surface of the ground;*

(i) *The graywater is not discharged into a natural watercourse;*

(j) *If the application is for a permit for a residence that is or will be connected to a treatment works, the ~~proposed~~ operator of the ~~graywater system~~ treatment works has conducted an analysis of the possible effect of the graywater system on the treatment works and has reported the results of the analysis, including, without limitation, any finding that the graywater system will be detrimental to the flow of or total suspended solids in water passing through the treatment works, to the State Board of Health or a district board of health, as applicable; and*

(k) *The use of the graywater complies with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 8 of this act and any regulations adopted pursuant thereto.*

5. *A district board of health which adopts regulations concerning graywater systems shall consider and take into account the geologic, hydrological and topographical characteristics of the area within its jurisdiction.*

6. *A board of county commissioners of a county, the governing body of a city or the town board or board of county commissioners having jurisdiction over the affairs of a town shall not prohibit the use of a graywater system that meets the requirements of this section.*

**7. If the proposed operator of a graywater system for a residence that is or will be connected to a treatment works requests the operator of the treatment works to conduct the analysis described in paragraph (j) of subsection 4, the operator of the treatment works must conduct the analysis within 90 days after the request. The operator of the treatment works may charge a fee for conducting the analysis which must not exceed the actual cost incurred by the operator to conduct the analysis.**

**8. As used in this section, “treatment works” has the meaning ascribed to it in NRS 445A.410.**

**Sec. 7.** NRS 444.650 is hereby amended to read as follows:

444.650 1. The State Board of Health shall adopt regulations to control the use of a residential individual system for *the* disposal of sewage in this State. Those regulations are effective except in health districts in which a district board of health has adopted regulations to control the use of a residential individual system for *the* disposal of sewage in that district.

2. A board which adopts such regulations shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

3. The regulations adopted pursuant to this section must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, **and section 8 of this act** and any regulations adopted pursuant to those provisions.

~~4. As used in this section, “residential individual system for disposal of sewage” means an individual system for disposal of sewage from a parcel of land, including all structures thereon, that is zoned for single-family residential use.~~

**Sec. 8.** Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

**1. The Commission shall not require a person to obtain a permit pursuant to this section and NRS 445A.300 to 445A.730, inclusive, for the use of a graywater system if the person has obtained a permit that meets the requirements of section 6 of this act.**

**2. As used in this section, “graywater system” has the meaning ascribed to it in section 4 of this act.**

**Sec. 9.** NRS 445A.310 is hereby amended to read as follows:

445A.310 As used in NRS 445A.300 to 445A.730, inclusive, **and section 8 of this act**, unless the context otherwise requires, the words and terms defined in NRS 445A.315 to 445A.420, inclusive, have the meanings ascribed to them in those sections.

**Sec. 10.** NRS 445A.425 is hereby amended to read as follows:

445A.425 1. Except as specifically provided in NRS 445A.625 to 445A.645, inclusive, the Commission shall:

(a) Adopt regulations carrying out the provisions of NRS 445A.300 to 445A.730, inclusive, **and section 8 of this act**, including standards of water quality and amounts of waste which may be discharged into the waters of the State.

(b) Adopt regulations providing for the certification of laboratories that perform analyses for the purposes of NRS 445A.300 to 445A.730, inclusive, **and section 8 of this act**, to detect the presence of hazardous waste or a regulated substance in soil or water.

(c) Adopt regulations controlling the injection of fluids through a well to prohibit those injections into underground water, if it supplies or may reasonably be expected to supply any public water system, as defined in NRS 445A.840, which may result in that system's noncompliance with any regulation regarding primary drinking water or may otherwise have an adverse effect on human health.

(d) Advise, consult and cooperate with other agencies of the State, the Federal Government, other states, interstate agencies and other persons in furthering the provisions of NRS 445A.300 to 445A.730, inclusive ~~††~~, **and section 8 of this act**.

(e) Determine and prescribe the qualifications and duties of the supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment.

2. The Commission may by regulation require that supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment be certified by the Department. The regulations may include a schedule of fees to pay the costs of certification. The provisions of this subsection apply only to a package plant for sewage treatment whose capacity is more than 5,000 gallons per day and to any other plant whose capacity is more than 10,000 gallons per day.

3. In adopting regulations, standards of water quality and effluent limitations pursuant to NRS 445A.300 to 445A.730, inclusive, **and section 8 of this act**, the Commission shall recognize the historical irrigation practices in the respective river basins of this State, the economy thereof and their effects.

4. The Commission may hold hearings, issue notices of hearings, issue subpoenas requiring the attendance of witnesses and the production of evidence, administer oaths and take testimony as it considers necessary to carry out the provisions of this section and for the purpose of reviewing standards of water quality.

5. As used in this section, "plant for sewage treatment" means any facility for the treatment, purification or disposal of sewage.

**Sec. 11.** Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. Notwithstanding the provisions of NRS 444.650 and sections 3 to 6, inclusive, of this act, the governing documents of an association may prohibit or restrict the use of a graywater system within the common-interest community.**

**2. If the governing documents of an association do not prohibit or restrict the use of a graywater system within the common-interest community, the use of a graywater system within the common-interest**

*community must comply with the provisions of NRS 444.650 and sections 3 to 6, inclusive, of this act.*

*3. As used in this section, “graywater system” has the meaning ascribed to it in section 4 of this act.*

**Sec. 12.** On or before December 31, 2020, the State Board of Health shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report which must include, without limitation, the number of permits issued pursuant to section 6 of this act and the regulations adopted pursuant thereto and the location for which each such permit was issued.

**Sec. 13.** This act becomes effective:

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

2. On July 1, 2016, for all other purposes.

Assemblyman Oscarson moved that the Assembly not concur in the Senate Amendment No. 767 to Assembly Bill No. 169.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment was a technical correction that had provisions added to it that need to be further discussed.

Motion carried by a constitutional two-thirds majority.

Bill ordered to the Senate.

Assembly Bill No. 248.

The following Senate amendment was read:

Amendment No. 769.

AN ACT relating to public health; ~~authorizing~~ **requiring** physicians, under certain circumstances, to report to the Department of Motor Vehicles certain information regarding patients who have epilepsy; abolishing certain duties of physicians to report certain patient information; requiring physicians to inform certain patients with epilepsy of the dangers of operating a motor vehicle; providing that certain reports and statements provided to the Department concerning patients with epilepsy are not subject to the doctor-patient privilege under certain circumstances; providing that a cause of action may not be brought against a physician for failing to report such information to the Department ~~if~~ **in circumstances where reporting is not required**; providing that a cause of action may not be brought against a physician for reporting certain information regarding patients who have epilepsy to the Department except in certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires: (1) a physician to report immediately to the Division of Public and Behavioral Health of the Department of Health and Human Services, in writing, the name, age and address of every person diagnosed as

a case of epilepsy, as defined by the State Board of Health; and (2) the Division to report this information to the Department of Motor Vehicles. (NRS 439.270) **Section 1** of this bill abolishes these duties and the requirement that the State Board define the term "epilepsy." Instead, **section 1** requires a physician who determines that a patient's epilepsy severely impairs the ability of ~~the~~ the patient to safely operate a motor vehicle to notify such a patient of this determination and ~~obtain from the patient a signed statement acknowledging the notification. If the patient refuses to sign an acknowledgment, section 1 requires the physician to~~ sign a written statement verifying that the physician provided the required notification. **Section 1** ~~authorizes~~ requires a physician ~~to, upon the request of the Department of Motor Vehicles,~~ to provide a copy of the ~~acknowledgment or~~ statement to the Department ~~of~~ of Motor Vehicles within 15 days after determining that a patient's epilepsy severely impairs the ability of the patient to operate a motor vehicle.

**Section 4** of this bill prohibits a person with epilepsy from operating a motor vehicle if the person has been informed by a physician that his or her condition would severely impair his or her ability to safely operate a motor vehicle. **Section 4** authorizes a physician who is aware that a person with epilepsy has violated this provision to submit, without the person's consent, a written report to the Department of Motor Vehicles that includes the name, address and age of the person.

**Section 2** of this bill provides that a person who has been informed by a physician that his or her condition would severely impair his or her ability to safely operate a motor vehicle has no privilege to prevent a physician from disclosing this information to the Department of Motor Vehicles.

**Sections 1 and 4** provide that the Department of Motor Vehicles may only use such information to determine whether a person is eligible to operate a motor vehicle in this State. **Sections 1 and 4** also provide that no cause of action may be brought against a physician: (1) for failing to provide such information to the Department ~~of~~ in any circumstance where the provision of such information is not required; or (2) for providing such information to the Department, unless the physician acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.

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

**Section 1.** NRS 439.270 is hereby amended to read as follows:

439.270 1. ~~The State Board of Health shall define epilepsy for the purposes of the reports hereinafter referred to in this section.~~

~~2. All physicians shall report immediately to the Division, in writing, the name, age and address of every person diagnosed as a case of epilepsy.~~

~~3. The Division shall report, in writing, to the Department of Motor Vehicles the name, age and address of every person reported to it as a case of epilepsy.~~



~~4. Except as otherwise provided in NRS 239.0115, the reports are for the information of the Department of Motor Vehicles and must be kept confidential.~~ *If a physician determines that, in his or her professional judgment, a patient's epilepsy severely impairs the ability of the patient to safely operate a motor vehicle, the physician shall:*

*(a) Adequately inform the patient of the dangers of operating a motor vehicle with his or her condition until such time as the physician or another physician informs the patient that the patient's condition does not severely impair the ability of the patient to safely operate a motor vehicle.* ~~and~~

~~(b) Except as otherwise provided in subsection 2:~~

~~(1) Require the patient to sign a statement acknowledging that he or she has been informed by the physician of the dangers of operating a motor vehicle with his or her condition; and~~

~~(2) Retain the original signed statement and provide a copy of the signed statement to the patient.~~

~~2. If a patient refuses to sign a statement pursuant to paragraph (b) of subsection 1, the physician shall sign.~~ *Sign a written statement verifying that the physician informed the patient of all material facts and information required by paragraph (a).* ~~of subsection 1.~~ *The physician shall, to the extent practicable, provide a copy of the statement signed by the physician to the patient.*

~~3. A statement signed by a patient pursuant to subsection 1 or a statement signed by the physician pursuant to subsection 2, this paragraph shall be deemed a health care record, as defined in NRS 629.021.~~

~~4. A physician may, upon the request of the Department, provide:~~

*(c) Within 15 days after making such a determination, provide to the Department a copy of the statement signed by a patient pursuant to subsection 1 or a statement signed by the physician pursuant to subsection 2, paragraph (b). A statement received by the Department pursuant to this subsection, paragraph:*

~~(a)~~ *(1) Is confidential, except that the contents of the statement may be disclosed to the patient; and*

~~(b)~~ *(2) May be used by the Department solely to determine the eligibility of any person the patient to operate a vehicle on the streets and highways of this State.*

~~5. A violation of this section is a misdemeanor. The provision by a physician of a copy of a statement pursuant to subsection 4 is solely within his or her discretion.~~

*2. Except as otherwise provided in subsection 1, a physician is not required to notify the Department about a patient who has been diagnosed with epilepsy. No cause of action may be brought against a physician based on the fact that he or she did not provide such a copy.*

~~6.~~ *notify the Department about a patient who has been diagnosed with epilepsy unless the physician does not comply with the requirements set forth in subsection 1.*

3. *No cause of action may be brought against a physician based on the fact that he or she provided a copy of a statement pursuant to subsection ~~4~~ 1 unless the physician acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.*

~~7.~~ 4. *As used in this section:*

(a) *“Department” means the Department of Motor Vehicles.*

(b) *“Patient” means a person who consults or is examined or interviewed by a physician for the purposes of diagnosis or treatment.*

**Sec. 2.** NRS 49.245 is hereby amended to read as follows:

49.245 There is no privilege under NRS 49.225 or 49.235:

1. For communications relevant to an issue in proceedings to hospitalize the patient for mental illness, if the doctor in the course of diagnosis or treatment has determined that the patient is in need of hospitalization.

2. As to communications made in the course of a court-ordered examination of the condition of a patient with respect to the particular purpose of the examination unless the court orders otherwise.

3. As to written medical or hospital records relevant to an issue of the condition of the patient in any proceeding in which the condition is an element of a claim or defense.

4. In a prosecution or mandamus proceeding under chapter 441A of NRS.

5. As to any information communicated to a physician in an effort unlawfully to procure a dangerous drug or controlled substance, or unlawfully to procure the administration of any such drug or substance.

6. As to any written medical or hospital records which are furnished in accordance with the provisions of NRS 629.061.

7. As to records that are required by chapter 453 of NRS to be maintained.

8. *As to reports made to the Department of Motor Vehicles pursuant to subsection 2 of section 4 of this act and any statements provided to the Department pursuant to NRS 439.270.*

9. If the services of the physician are sought or obtained to enable or aid a person to commit or plan to commit fraud or any other unlawful act in violation of any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS which the person knows or reasonably should know is fraudulent or otherwise unlawful.

**Sec. 3.** NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251,

90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380,

676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, **and section 4 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

**Sec. 4.** Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *A person with epilepsy shall not operate a motor vehicle if that person has been informed by a physician pursuant to NRS 439.270 that his or her condition would severely impair his or her ability to safely operate a motor vehicle.***

**2. *If a physician is aware that a person has violated subsection 1 after the physician has informed the person pursuant to NRS 439.270 that the***

*person's condition would severely impair his or her ability to safely operate a motor vehicle, the physician may, without the consent of the person, submit a written report to the Department that includes the name, address and age of the person. A report received by the Department pursuant to this subsection:*

*(a) Is confidential, except that the contents of the report may be disclosed to the person about whom the report is made; and*

*(b) ~~May include the statement maintained by the physician pursuant to subsection 3 of NRS 439.270; and~~*

*~~(c) May be used by the Department solely to determine the eligibility of the person to operate a vehicle on the streets and highways of this State.~~*

*3. The submission by a physician of a report pursuant to subsection 2 is solely within his or her discretion. No cause of action may be brought against a physician based on the fact that he or she did not submit such a report.*

*4. No cause of action may be brought against a physician based on the fact that he or she submitted a report pursuant to subsection 2 unless the physician acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.*

Assemblyman Oscarson moved that the Assembly concur in the Senate Amendment No. 769 to Assembly Bill No. 248.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment revises who must sign an acknowledgement statement, requires a physician to report certain information to the DMV [Department of Motor Vehicles] within 15 days, and clarifies the circumstances when a cause of action can be brought against a physician for failure to comply.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 307.

The following Senate amendment was read:

Amendment No. 768.

AN ACT relating to mental health; providing for the establishment of a pilot program to provide certain intensive care coordination services to children with intellectual disabilities and children with related conditions who are also diagnosed as having behavioral health needs and reside in certain larger counties; requiring the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department to take certain actions to monitor the effectiveness of the pilot program and obtain funding for the pilot program; requiring the Department to take any actions necessary to use money from the State Plan for Medicaid to pay for the pilot program; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires each board of county commissioners to make provisions for the support, education and care of the children with intellectual disabilities and children with related conditions who reside in their respective counties. (NRS 435.010)

**Section 2** of this bill requires the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department, to the extent that money is available for that purpose, to establish a pilot program to provide intensive care coordination services to children with intellectual disabilities and children with related conditions who have also been diagnosed as having behavioral health needs and reside in a county whose population is 100,000 or more (currently Clark and Washoe Counties). The Director of the Department is required to amend the State Plan for Medicaid if needed and obtain any necessary Medicaid waiver necessary to use money received pursuant to the State Plan for Medicaid to pay for **any part of the pilot program, for which such money is authorized to be used by federal law or the waiver. Section 2 also authorizes the Division of Health Care Financing and Policy and the Aging and Disability Services Division to apply for and accept gifts, grants, donations and bequests to pay for the pilot program.** **Section 2** requires the intensive care coordination services provided through the pilot program to include certain medically necessary services, support for the family of a child and food and lodging expenses for a child who is receiving supported living arrangement services and does not reside with his or her parent or guardian. **Section 2** requires the Division of Health Care Financing and Policy and the Aging and Disability Services Division to: (1) take certain measures to evaluate the effectiveness of the pilot program; and (2) collaborate with each person or governmental entity that provides services pursuant to the pilot program to obtain grants for the purpose of carrying out the pilot program. The pilot program will expire on July 1, 2019, unless extended before that date.

**Section 3** of this bill requires the Division of Health Care Financing and Policy and the Aging and Disability Services Division to submit a report on or before April 30, 2016, and every 6 months thereafter until July 1, 2019, to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session, concerning the status and results of the pilot program. **Section 3** of this bill requires the board of county commissioners of each county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to submit a report on or before April 30, 2016, and every 6 months until July 1, 2019, to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session, describing the manner in which the board makes provisions for the required support, education and care of the children with intellectual disabilities and children with related conditions who reside in the county.

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

**Section 1.** (Deleted by amendment.)

**Sec. 2.** 1. To the extent that money is available for that purpose, the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department shall establish a pilot program to provide intensive care coordination services to children with intellectual disabilities and children with related conditions who are also diagnosed as having behavioral health needs and who reside in a county whose population is 100,000 or more.

2. The intensive care coordination services provided by the pilot program must include, without limitation:

(a) Medically necessary habilitation or rehabilitation and psychiatric or behavioral therapy provided using evidence-based practices to a child with intellectual disabilities or a child with a related condition who is also diagnosed as having behavioral health needs;

(b) Support for the family of such a child, including, without limitation, respite care for the primary caregiver of the child;

(c) Coordination of all services provided to such a child and his or her family;

(d) Food and lodging expenses for such a child who is receiving supported living arrangement services and does not reside with his or her parent or guardian;

(e) Assistance with acquisition of life skills and community participation that is provided in the residence of a child with an intellectual disability or a child with a related condition who has also been diagnosed as having behavioral health needs;

(f) Nonmedical transportation;

(g) Career planning;

(h) Supported employment; and

(i) Prevocational services.

3. The Division of Health Care Financing and Policy and the Aging and Disability Services Division shall:

(a) Design and utilize a system to collect and analyze data concerning the evidence-based practices used pursuant to paragraph (a) of subsection 2;

(b) On or before July 1, 2017, obtain an independent evaluation of the effectiveness of the pilot program; and

(c) Collaborate with each person or governmental entity that provides services pursuant to the pilot program to obtain grants for the purpose of carrying out the pilot program. The Division of Health Care Financing and Policy, the Aging and Disability Services Division and any other governmental entity that provides services pursuant to the pilot program may apply for and accept any available grants and may accept any bequests,

devises, donations or gifts from any public or private source to carry out the pilot program.

4. The Director of the Department of Health and Human Services shall make any amendments to the State Plan for Medicaid authorized by Federal law and obtain any Medicaid waivers from the Federal Government necessary to use money received pursuant to the State Plan for Medicaid to pay for **any part of** the pilot program described in subsection 1, **for which such money is authorized to be used by federal law or by the waiver.**

5. As used in this section:

(a) "Children with related conditions" means children who have a severe, chronic disability which:

(1) Is attributable to:

(I) Cerebral palsy or epilepsy; or

(II) Any other condition, other than mental illness, found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of a child with an intellectual disability and requires treatment or services similar to those required by a child with an intellectual disability;

(2) Is likely to continue indefinitely; and

(3) Results in substantial functional limitations in three or more of the following areas of major life activity:

(I) Taking care of oneself;

(II) Understanding and use of language;

(III) Learning;

(IV) Mobility;

(V) Self-direction; and

(VI) Capacity for independent living.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

(c) "Intensive care coordination services" means the delivery of comprehensive services provided to a child with an intellectual disability or a child with a related condition that is also diagnosed as having behavioral health needs, or the family of such a child, that are coordinated by a single entity and delivered in an individualized and culturally appropriate manner.

(d) "Supported living arrangement services" means flexible, individualized services provided in a residential setting, for compensation, to a child with an intellectual disability or a person with a related condition who is also diagnosed as having behavioral health needs that are designed and coordinated to assist the person in maximizing the child's independence, including, without limitation, training and habilitation services.

**Sec. 3.** On or before April 30, 2016, and every 6 months thereafter:

1. The Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if



the Legislature is not in session. The report must include, without limitation, a description of the status and results of the pilot program established pursuant to section 2 of this act and recommendations for legislation to facilitate the improvement or expansion of the pilot program.

2. The board of county commissioners of each county whose population is less than 100,000 shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Committee on Health Care, if the Legislature is not in session. The report must include, without limitation, a description of the actions the county is taking to comply with the requirements of NRS 435.010.

**Sec. 3.5.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the legislature.

**Sec. 4.** This act becomes effective on July 1, 2015, and expires by limitation on July 1, 2019.

Assemblyman Oscarson moved that the Assembly concur in the Senate Amendment No. 768 to Assembly Bill No. 307.

Remarks by Assemblyman Oscarson.

ASSEMBLYMAN OSCARSON:

This amendment specifies that the funding received to support the pilot program may only be used as authorized by federal law or by the waiver. It also authorizes the Division of Health Care Financing and Policy and the Aging and Disability Services Division to apply for and accept gifts, grants, donations, and bequests to pay for the pilot program.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 385.

The following Senate amendment was read:

Amendment No. 780.

AN ACT relating to tow cars; prohibiting operators of tow cars from towing certain vehicles to any location other than a designated vehicle storage lot under certain circumstances; revising provisions relating to operators of tow cars; providing civil and criminal penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes an insurance company to designate vehicle storage lots to which certain vehicles insured by the insurance company must be towed under certain circumstances. Existing law also requires an operator of a tow car who fails to tow a vehicle to a vehicle storage lot designated by an insurance company to forfeit the charge for towing and storage of the vehicle and tow the vehicle free of charge to the designated lot. (NRS 706.4489)

**Section 3** of this bill prohibits an operator of a tow car from: (1) towing a vehicle to a location other than a vehicle storage lot designated by the insurance company that provides coverage for the vehicle unless the owner

or operator of the vehicle directs the operator of the tow car to tow the vehicle to a location that is not a vehicle storage lot pursuant to **section 16** of this bill; or (2) seeking authorization from an owner or operator of a vehicle to tow the vehicle to a location other than the designated vehicle storage lot. **Section 3** also imposes civil penalties on an operator of a tow car who fails to tow certain vehicles to certain vehicle storage lots designated by an insurance company.

Existing law requires a law enforcement officer to make a good faith effort to determine the identity of the insurance company that provides coverage for the vehicle before the vehicle is towed. (NRS 706.4489) **Section 16** requires the operator of a tow car to make a good faith effort to determine the identity of the insurance company that provides coverage for the vehicle if the law enforcement officer does not communicate that information to the operator. **Section 16** also requires the operator of a tow car to: (1) retain any documents provided by a law enforcement officer indicating the identity of the insurance company that provides coverage for the vehicle; and (2) provide copies of such documents to a vehicle storage lot upon delivery of the vehicle to the vehicle storage lot.

**Section 16** additionally prohibits an owner or operator of a vehicle from directing an operator of a tow car to tow the vehicle to a vehicle storage lot other than the vehicle storage lot designated by the insurance company, but authorizes an owner or operator of a vehicle to direct an operator of a tow car to tow the vehicle to a location other than a vehicle storage lot. If an owner or operator of a vehicle directs an operator of a tow car to tow the vehicle to such a location, ~~the owner or operator of the vehicle~~ **a law enforcement officer, if one is on the scene,** must confirm ~~in writing that (1) he or she~~ **that the owner or operator of the vehicle** directed the operator of the tow car to tow the vehicle to such a location, ~~and (2) that~~ the operator of the tow car did not solicit the owner or operator of the vehicle to tow the vehicle to such a location. **The law enforcement officer must also note the decision of the owner or operator of the vehicle in any report of the incident. If no law enforcement officer is on the scene, the operator of the tow car must have the owner or operator of the vehicle confirm in writing that he or she directed the towing of the vehicle to a location other than a vehicle storage lot and that the operator of the tow car did not solicit the owner or operator of the vehicle to tow the vehicle to such a location.** The operator of the tow car is required to retain ~~such written~~ **a copy of any** documentation ~~as~~ **provided by the law enforcement officer or agency or any written confirmation obtained from the owner or operator of the vehicle.**

Existing law requires an operator of a tow car to maintain a dispatcher's log identifying certain information for each vehicle towed. (NRS 706.4465) **Section 13** of this bill requires an operator to record the insurance company of each vehicle towed if such information is known.

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

**Section 1.** Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *As used in NRS 706.445 to 706.453, inclusive, and sections 2 and 3 of this act, “insurance company” means any entity authorized to provide insurance for motor vehicles in this State, including, without limitation, a captive insurer, as defined in NRS 694C.060, and a person qualified as a self-insurer, pursuant to NRS 485.380.*

**Sec. 3. 1.** *Except as otherwise provided in NRS 706.4489, an operator of a tow car who is required to tow a vehicle to a designated vehicle storage lot pursuant to that section shall not tow the vehicle to another location. If an operator of a tow car fails to tow a vehicle to the designated vehicle storage lot when required pursuant to NRS 706.4489, the operator of the tow car must:*

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

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

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

**3.** *If an operator of a tow car violates the provisions of subsection 1 or 2, the Authority may:*

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

*(b) For a second offense within a period of 24 consecutive months, impose an administrative fine of not more than \$10,000.*

*(c) For a third offense within a period of 24 consecutive months, impose an administrative fine of not more than \$15,000.*

*(d) For a fourth or subsequent offense within a period of 24 consecutive months, impose an administrative fine of not more than \$20,000.*

**4.** *Before imposing a fine pursuant to subsection 3, the Authority shall provide notice to the holder of the certificate of public convenience and necessity and conduct a hearing pursuant to the provisions of chapter 233B of NRS and NRS 706.286.*

**5. All administrative fines imposed and collected by the Authority pursuant to this section are payable to the State Treasurer and must be credited to a separate account to be used by the Authority to enforce the provisions of this chapter.**

**Sec. 4.** NRS 706.011 is hereby amended to read as follows:

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

**Sec. 5.** NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, **and sections 2 and 3 of this act** relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;
2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or
3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

**Sec. 6.** NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, **and sections 2 and 3 of this act** do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.
2. Any state or a political subdivision thereof.

**Sec. 7.** NRS 706.166 is hereby amended to read as follows:

706.166 The Authority shall:

1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate:
  - (a) Every fully regulated carrier and broker of regulated services in this State in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.
  - (b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive ~~†~~, **and sections 2 and 3 of this act**.
2. Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

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

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

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

- (a) Fares of fully regulated carriers;
- (b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;
- (c) Classifications;
- (d) Divisions;
- (e) Allowances; and
- (f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

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

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

**Sec. 8.** NRS 706.286 is hereby amended to read as follows:

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

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

(b) Any of the provisions of NRS 706.445 to 706.453, inclusive, *and sections 2 and 3 of this act* have been violated;

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

(d) Any service is inadequate,

↪ the Authority shall investigate the complaint. After receiving the complaint, the Authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time

thereafter, the carrier or operator of a tow car shall provide the Authority with its written response to the complaint according to the regulations of the Authority.

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

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

**Sec. 9.** NRS 706.2885 is hereby amended to read as follows:

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

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, **and sections 2 and 3 of this act** for a period not to exceed 60 days.

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

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

**Sec. 10.** NRS 706.321 is hereby amended to read as follows:

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

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

(1) Be open to public inspection; and

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

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~†~~, **and sections 2 and 3 of this act.**

2. Every operator of a tow car shall file with the Authority:

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

(1) Be open to public inspection; and

(2) Include all rates and charges for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~††~~, **and sections 2 and 3 of this act.**

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

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

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

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

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

**Sec. 11.** NRS 706.4463 is hereby amended to read as follows:

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

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

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

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive ~~†~~, **and sections 2 and 3 of this act.**

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must:

(a) File an application with the Authority; and

(b) Submit to the Authority a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

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

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

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

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

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

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

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

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

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

**Sec. 12.** NRS 706.4464 is hereby amended to read as follows:

706.4464 1. An operator of a tow car who is issued a certificate of public convenience and necessity may transfer it to another operator of a tow car qualified pursuant to the provisions of NRS 706.011 to 706.791, inclusive, **and sections 2 and 3 of this act**, but no such transfer is valid for any purpose until a joint application to make the transfer is made to the Authority by the transferor and the transferee, and the Authority has authorized the substitution of the transferee for the transferor. The



application must include a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the transferee and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. No transfer of stock of a corporate operator of a tow car subject to the jurisdiction of the Authority is valid without the prior approval of the Authority if the effect of the transfer would be to change the corporate control of the operator of a tow car or if a transfer of 15 percent or more of the common stock of the operator of a tow car is proposed.

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

(a) Complies with the provisions of NRS 706.011 to 706.791, inclusive, **and sections 2 and 3 of this act** and the regulations adopted by the Authority pursuant to those provisions;

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

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

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

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

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

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

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

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

**Sec. 13.** NRS 706.4465 is hereby amended to read as follows:

706.4465 The operator shall maintain a dispatcher's log which shows for each vehicle towed:

1. The date and time the call to provide towing was received.
2. The name of the person requesting that the vehicle be towed.
3. The date and time a tow car was dispatched to provide the towing.
4. The date and time the tow car arrived at the location of the vehicle to be towed.
5. The date and time the towing was completed.
6. The model, make, year of manufacture, vehicle identification number and license plate number of the towed motor vehicle.

**7. *The name of the insurance company that provides coverage for the towed vehicle, if the operator determines the identity of the insurance company or is otherwise informed of the identity of the insurance company.***

**Sec. 14.** NRS 706.4483 is hereby amended to read as follows:

706.4483 1. The Authority shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~††~~, ***and sections 2 and 3 of this act.***

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

**Sec. 15.** NRS 706.4487 is hereby amended to read as follows:

706.4487 The Legislature hereby finds and declares that:

1. Towing a vehicle, either after an accident or after the vehicle is stolen and subsequently recovered, to a vehicle storage lot designated by the insurer of the vehicle will result in the placement of vehicle storage lots in more locations, as insurance companies will designate as many vehicle storage lots as are necessary to provide coverage throughout the county, thus enhancing safety by limiting both the time and distance that a tow car is traveling with a towed vehicle.

2. Authorizing insurance companies to designate vehicle storage lots will enhance safety by ensuring that the vehicles towed thereto are stored in locations which:

- (a) Guarantee safe access to the vehicles by their owners; and
- (b) Protect the property of the owners of the vehicles, including, without limitation, the vehicles themselves.

3. The provisions of NRS 706.4489 ***and section 3 of this act*** constitute an exercise of the safety regulatory authority of this State with respect to motor vehicles.

**Sec. 16.** NRS 706.4489 is hereby amended to read as follows:

706.4489 1. An insurance company may designate one or more vehicle storage lots to which all vehicles that are towed at the request of a law enforcement officer:

- (a) Following an accident; or
- (b) Following recovery after having been stolen,

↪ and which are insured by that insurance company must be towed pursuant to subsection 2. The designation of a vehicle storage lot must be provided in writing by the insurance company, its representative or the owner or operator of the vehicle storage lot to all providers of towing services that have obtained a certificate of public convenience and necessity and operate in the same geographical area in which the designated vehicle storage lot is situated.

2. If a law enforcement officer requests that an operator of a tow car tow a vehicle following an accident or following recovery after having been stolen and the vehicle is not otherwise subject to impoundment, the law enforcement officer shall make a good faith effort to determine the identity of the insurance company that provides coverage for the ~~owner of the~~ vehicle. If the law enforcement officer determines the identity of the insurance company, he or she shall inform the operator of the tow car of the identity of the insurance company. ***If the law enforcement officer does not inform the operator of the tow car of the identity of the insurance company, the operator of the tow car shall make a good faith effort to determine the identity of the insurance company from the law enforcement officer and the owner or operator of the vehicle.*** If the operator of the tow car:

- (a) Is informed by a law enforcement officer of the identity of the insurance company that provides coverage for the ~~owner of the~~ vehicle; or
- (b) Otherwise determines the identity of the insurance company that provides coverage for the ~~owner of the~~ vehicle,

↪ and the insurance company has designated a vehicle storage lot pursuant to subsection 1, the operator of the tow car shall tow the vehicle to the designated vehicle storage lot unless the owner ***or operator*** of the vehicle, ***pursuant to subsection 4***, or a representative of the insurance company has directed otherwise. ***The owner or operator of the vehicle shall be deemed to have consented to towing the vehicle to the vehicle storage lot designated by the insurance company that provides coverage for the vehicle.***

3. ~~If an operator of a tow car fails to tow a vehicle to the designated vehicle storage lot pursuant to subsection 2, the operator of the tow car shall:~~

- ~~(a) Forfeit the charge for towing and storage of the vehicle; and~~
- ~~(b) Tow the vehicle free of charge to the vehicle storage lot designated by the insurance company or its representative not later than 24 hours after receiving a demand, which must be made in writing or by electronic mail, from the insurance company or its representative.~~ ***The operator of a tow car shall retain any documents provided by a law enforcement officer pursuant to subsection 2 indicating the identity of the insurance company that***

*provides coverage for a vehicle that is towed at the request of the law enforcement officer. The operator of a tow car shall provide copies of such documents to a vehicle storage lot upon delivery of the vehicle to the vehicle storage lot.*

*4. An owner or operator of a vehicle shall not direct an operator of a tow car to tow the vehicle to a vehicle storage lot other than the vehicle storage lot designated by the insurance company pursuant to subsection 1, but may direct an operator of a tow car to tow the vehicle to a location other than a vehicle storage lot. If an owner or operator of a vehicle directs an operator of a tow car to tow the vehicle to such a location, ~~the operator of the tow car shall require the owner or operator of the vehicle to confirm in writing that he or she~~ a law enforcement officer, if one is on the scene, shall confirm that the owner or operator of the vehicle directed the operator of the tow car to tow the vehicle to a location other than the designated vehicle storage lot and that the operator of the tow car did not solicit the owner or operator of the vehicle in violation of subsection 2 of section 3 of this act ~~and~~ , and shall note the decision of the owner or operator of the vehicle in any report of the incident. If a law enforcement officer is not on the scene, the operator of the tow car shall require the owner or operator of the vehicle to confirm in writing on a form prescribed by the Authority that he or she directed the operator of the tow car to tow the vehicle to a location other than the designated vehicle storage lot and that the operator of the tow car did not solicit the owner or operator of the vehicle in violation of subsection 2 of section 3 of this act. The operator of the tow car shall retain ~~such written documentation~~ a copy of any documentation provided by the law enforcement officer or agency and any form signed by the owner or operator of the vehicle.*

*5. The owners of a vehicle storage lot designated by an insurance company pursuant to subsection 1 shall agree in writing to indemnify the relevant law enforcement agencies and their officers, employees, agents and representatives from any liability relating to the towing of a vehicle insured by the designating insurance company and to the storing of the vehicle at the vehicle storage lot if the law enforcement officer who requested the towing of the vehicle made a good faith effort to comply with the provisions of subsection 2.*

~~5.1~~ **6.** A vehicle storage lot must:

(a) Maintain adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed to the vehicle storage lot;

(b) Comply with all standards a law enforcement agency may adopt pursuant to NRS 706.4485 to protect the health, safety and welfare of the public;

(c) Comply with all local laws and ordinances applicable to that business, including, without limitation, local laws and ordinances relating to business licenses, zoning, building and fire codes, parking, paving, lights and security; and

(d) If the vehicle storage lot is a salvage pool as that term is defined in NRS 487.400, comply with all applicable requirements imposed pursuant to NRS 487.400 to 487.510, inclusive.

~~16.1~~ 7. If a vehicle storage lot has rates and charges that have been approved by the Authority for the storage of a vehicle, the vehicle storage lot is not required to assess those rates and charges for the storage of a vehicle that is towed to the vehicle storage lot in accordance with this section, but may not assess a rate or charge in excess of those approved rates and charges. If a vehicle storage lot does not have rates and charges that have been approved by the Authority, it may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the law enforcement agency that requested the tow. If the requesting law enforcement agency does not have approved rates and charges, the vehicle storage lot may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the largest law enforcement agency in the county. An operator of a tow car who tows a vehicle to a vehicle storage lot pursuant to this section:

(a) Shall assess the rates and charges approved by the Authority for towing the vehicle.

(b) Is entitled to payment from the operator of the vehicle storage lot at the time the vehicle is towed to the vehicle storage lot.

~~17.1~~ 8. Before designating a vehicle storage lot pursuant to subsection 1, an insurance company must obtain the approval of the Authority. The Authority shall approve the designation if the Authority determines that the vehicle storage lot has:

(a) Executed an indemnification agreement that meets the requirements of subsection ~~4.1~~ 5;

(b) Satisfied the requirements of subsection ~~5.1~~ 6; and

(c) Otherwise satisfied the requirements of this section.

~~18.1~~ 9. The provisions of this section apply only to a county whose population is 700,000 or more.

~~19.1~~ 10. As used in this section:

(a) “Boat” means any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) “Vehicle” has the meaning ascribed to it in NRS 706.146 and includes all terrain vehicles and boats.

(c) “Vehicle storage lot” means a business which, for a fee, stores vehicles that are towed at the request of a law enforcement officer following an accident or following recovery after having been stolen and includes, without limitation, a salvage pool, as that term is defined in NRS 487.400, which operates a vehicle storage lot in accordance with the provisions of this section. The term does not include a salvage pool that has not elected to operate a vehicle storage lot in accordance with the provisions of this section and is operating within the scope of its authority pursuant to NRS 487.400 to 487.510, inclusive.

**Sec. 17.** NRS 706.453 is hereby amended to read as follows:

706.453 The provisions of NRS 706.445 to 706.451, inclusive, *and sections 2 and 3 of this act* do not apply to automobile wreckers who are licensed pursuant to chapter 487 of NRS.

**Sec. 18.** NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, *and sections 2 and 3 of this act* do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's 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 the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, *and sections 2 and 3 of this act*, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

**Sec. 19.** NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

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

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

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

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

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

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

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

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

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

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

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

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

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

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

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

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

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

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

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

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

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

**Sec. 20.** NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, **and sections 2 and 3 of this act**, for the prevention and punishment of any violation of the provisions thereof and of all orders of the



Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act*, and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.

**Sec. 21.** NRS 244.3605 is hereby amended to read as follows:

244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may, to abate public nuisances, adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

- (a) Repair, safeguard or eliminate a dangerous structure or condition;
- (b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS;
- (c) Clear weeds and noxious plant growth; or
- (d) Repair, clear, correct, rectify, safeguard or eliminate any other public nuisance as defined in the ordinance adopted pursuant to this section, ➔ to protect the public health, safety and welfare of the residents of the county.

2. An ordinance adopted pursuant to subsection 1 must:

- (a) Contain procedures pursuant to which the owner of the property is:
  - (1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of a public nuisance set forth in subsection 1 and the date by which the owner must abate the public nuisance.
  - (2) If the public nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the public nuisance.
  - (3) Afforded an opportunity for a hearing before the designee of the board relating to the order of abatement and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.
  - (4) Afforded an opportunity for a hearing before the designee of the board relating to the imposition of civil penalties and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.

(b) Provide that the date specified in the notice by which the owner must abate the public nuisance is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the public nuisance on the property if the owner fails to abate the public nuisance.

(d) Provide for civil penalties for each day that the owner did not abate the public nuisance after the date specified in the notice by which the owner was required to abate the public nuisance.

3. In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the county to request the operator of a tow car to abate a public nuisance by towing abandoned or junk vehicles which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means if the conditions of subsection 4 are satisfied. The operator of a tow car requested to tow a vehicle pursuant to this section must comply with the provisions of NRS 706.445 to 706.453, inclusive ~~†~~, **and sections 2 and 3 of this act.**

4. The county may abate the public nuisance on the property and may recover the amount expended by the county for labor and materials used to abate the public nuisance or request abatement by the operator of a tow car pursuant to subsection 3 if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance on the owner's property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance within the period specified in the order; or

(c) The board or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the public nuisance within the period specified in the order.

5. In addition to any other reasonable means for recovering money expended by the county to abate the public nuisance and, except as otherwise provided in subsection 6, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the board or its designee may make the expense and civil penalties a special assessment against the property upon which the public nuisance is located, and this special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

6. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 5 by the board or its designee unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the public nuisance or the date specified in the order of the board or court by which the owner must abate the public nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than \$5,000.

7. If a designee of the board imposes a special assessment pursuant to subsection 5, the designee shall submit a written report to the board at least

once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

- (a) The street address or assessor's parcel number of the property;
- (b) The name of each owner of record of the property as of the date of the assessment; and
- (c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

8. As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

- (a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or
- (b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.

**Sec. 22.** NRS 268.4122 is hereby amended to read as follows:

268.4122 1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of property within the city to:

- (a) Repair, safeguard or eliminate a dangerous structure or condition;
- (b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS; or
- (c) Clear weeds and noxious plant growth,

↳ to protect the public health, safety and welfare of the residents of the city.

2. An ordinance adopted pursuant to subsection 1 must:

- (a) Contain procedures pursuant to which the owner of the property is:
  - (1) Sent a notice, by certified mail, return receipt requested, of the existence on the property of a condition set forth in subsection 1 and the date by which the owner must abate the condition.
  - (2) If the condition is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the condition.
  - (3) Afforded an opportunity for a hearing before the designee of the governing body relating to the order of abatement and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.
  - (4) Afforded an opportunity for a hearing before the designee of the governing body relating to the imposition of civil penalties and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

(d) Provide for civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was requested to abate the condition.

(e) If the county board of health, city board of health or district board of health in whose jurisdiction the incorporated city is located has adopted a definition of garbage, use the definition of garbage adopted by the county board of health, city board of health or district board of health, as applicable.

3. In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the city to request the operator of a tow car to abate a condition by towing abandoned or junk vehicles which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means if the governing body or its designee has directed the abatement of the condition pursuant to subsection 4. The operator of a tow car requested to tow a vehicle by a city pursuant to this section must comply with the provisions of NRS 706.445 to 706.453, inclusive ~~†~~, **and sections 2 and 3 of this act.**

4. The governing body or its designee may direct the city to abate the condition on the property and may recover the amount expended by the city for labor and materials used to abate the condition or request abatement by the operator of a tow car pursuant to subsection 3 if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition on the property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition within the period specified in the order; or

(c) The governing body or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

5. In addition to any other reasonable means for recovering money expended by the city to abate the condition and, except as otherwise provided in subsection 6, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1, the governing body or its designee may make the expense and civil penalties a special assessment against the property upon which the condition is or was located. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and

the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

6. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 5 by the governing body or its designee unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the condition or the date specified in the order of the governing body or court by which the owner must abate the condition, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than \$5,000.

7. If a designee of the governing body imposes a special assessment pursuant to subsection 5, the designee shall submit a written report to the governing body at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

8. As used in this section, "dangerous structure or condition" means a structure or condition that may cause injury to or endanger the health, life, property, safety or welfare of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 268.413 with respect to minimum levels of health, maintenance or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the governing body of a city, the violation of which is designated as a nuisance in the ordinance, rule or regulation.

Assemblyman Wheeler moved that the Assembly concur in the Senate Amendment No. 780 to Assembly Bill No. 385.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 780 to Assembly Bill 385 provides that if the owner or operator of a vehicle directs an operator of a tow car to tow the vehicle to a location other than a vehicle storage lot, a law enforcement officer must confirm that the vehicle owner or operator provided such direction if one is on the scene. If a law enforcement officer is not on the scene, the tow car operator must have the vehicle owner or operator confirm in writing that he or she directed the tow to another location and that the tow car operator did not solicit the owner or operator of the vehicle to tow the vehicle to such a location.

Motion carried by a constitutional majority.  
Bill ordered to enrollment.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wheeler moved that the Assembly rescind the action whereby it refused to concur in Senate Amendment No. 965 to Assembly Bill No. 176.

Motion carried.

UNFINISHED BUSINESS

Assembly Bill No. 176.

The following Senate amendment was read:

Amendment No. 965.

ASSEMBLYMEN ARMSTRONG, **PAUL ANDERSON**, SILBERKRAUS, EDWARDS; DICKMAN, ELLISON, ~~FLORES,~~ KIRNER, OSCARSON AND TITUS

SUMMARY—~~Requires the regional transportation commission in certain counties to establish and administer the Nevada Yellow Dot Program.~~  
**Revises various provisions relating to transportation.** (BDR 22-649)

AN ACT relating to transportation; requiring the regional transportation commission in certain counties to establish and administer the Nevada Yellow Dot Program; setting forth the requirements of the Program; requiring the commission in those counties to establish a campaign to raise public awareness of the Program; conferring immunity from civil liability for damages for a first responder under certain circumstances; **revising provisions relating to casualty insurance for certain uses of motor vehicles; providing for the regulation of transportation network companies by the Nevada Transportation Authority; establishing requirements concerning drivers and motor vehicles operated by drivers who provide transportation services; prohibiting a local government from imposing any additional tax, fee or requirement for providing transportation services; exempting a transportation network company or driver who provides transportation services from certain provisions of law governing motor carriers; transferring responsibility for certain fees, assessments and excise taxes from the Public Utilities Commission of Nevada to the Authority; requiring an investigation and comparison of certain types of background checks; providing penalties;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~This~~ **Section 1 of this** bill: (1) requires the regional transportation commission in a county whose population is 700,000 or more (currently Clark County) to establish and administer the Nevada Yellow Dot Program in coordination with each regional transportation commission in this State; (2) requires the regional transportation commission in a county whose population is 700,000 or more (currently Clark County) to disseminate information about the Program to the public and to public safety agencies; (3)

authorizes that commission to obtain grants or sponsorships for the Program; and (4) provides that first responders are immune from civil liability for damages as a result of any act or omission taken by the first responder relating to a collision or other emergency in connection with the Program.

Sections 3-46 of this bill provide for the permitting by the Nevada Transportation Authority of transportation network companies and the regulation by the Authority of the provision of transportation services. Section 19 of this bill defines a “transportation network company” as an entity that uses a digital network or software application service to connect passengers to drivers who can provide transportation services to passengers. Section 20 of this bill defines “transportation services” as the transportation by motor vehicle of one or more passengers between points chosen by the passenger or passengers and prearranged with a driver through the use of the digital network or software application service of a transportation network company. Section 21 of this bill provides that it is the purpose and policy of the Legislature in enacting this bill to ensure the safety, reliability and cost-effectiveness of the transportation services provided by drivers affiliated with transportation network companies in this State.

Sections 4-14 of this bill establish certain requirements concerning the provision of insurance for the payment of tort liabilities arising from the operation of a motor vehicle by a driver who provides transportation services.

Section 25 of this bill prohibits any person from doing business in this State as a transportation network company unless the person holds a valid permit issued by the Authority pursuant to the provisions of sections 4-14 and 16-46 of this bill. Section 25 also: (1) empowers the Authority to regulate, pursuant to the provisions of this bill, all transportation network companies and drivers who operate or wish to operate within this State; and (2) prohibits the Authority from applying any provision of chapter 706 of NRS, relating to motor carriers, to a transportation network company or driver who operates within the provisions of sections 4-14 and 16-46 of this bill. Section 26 of this bill provides for the submission to the Authority of an application for a permit. Section 27 of this bill requires the Authority to issue a permit to an applicant upon a determination by the Authority that the applicant meets all the applicable requirements for the issuance of the permit. Section 27 of this bill further provides that a permit issued by the Authority authorizes a transportation network company to: (1) connect passengers to a driver who can provide transportation services through the use of a digital network or software application service; and (2) make its digital network or software application service available to one or more drivers to receive connections from the company. Section 27 of this bill provides that a permit issued by the Authority does not authorize a transportation network company to engage in any activity

regulated pursuant to chapter 706 of NRS, relating to motor carriers. Additionally, section 27 provides that a person who is regulated pursuant to chapter 706 of NRS may be issued a permit to operate a transportation network company if the person meets the requirements for the issuance of a permit.

Section 29 of this bill authorizes a transportation network company to enter into agreements with one or more drivers to receive connections to potential passengers from the company. Section 29 also establishes the minimum qualifications for drivers and requires a transportation network company to conduct an investigation of the background of each driver, which must include a criminal background check, a search of a database containing information from the sex offender website maintained by each state and a review of the complete driving history of the driver. Further, section 29 sets forth the conditions for which a transportation network company must terminate an agreement with a driver.

Section 30 of this bill: (1) provides that a transportation network company may, on behalf of a driver, charge a fare for the provision of transportation services by the driver; and (2) places certain requirements on the company concerning the fares and the information which must be provided to passengers concerning the amount and the calculation of fares.

Section 31 of this bill: (1) prohibits a transportation network company from allowing any driver who operates a motor vehicle that is not in compliance with all federal, state and local laws governing the operation and maintenance of a motor vehicle to be connected to potential passengers; and (2) requires annual inspections of each motor vehicle operated by a driver.

Section 32 of this bill prohibits discrimination on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression by a transportation network company or driver. Section 33 of this bill requires a transportation network company to provide to passengers certain information relating to the identification of a driver. Section 34 of this bill requires a transportation network company to provide an electronic receipt to each passenger. Section 35 of this bill allows a transportation network company to enter into certain contracts with the Department of Health and Human Services. Section 36 of this bill imposes on transportation network companies certain recordkeeping requirements. Section 37 of this bill imposes on transportation network companies certain reporting requirements.

Section 38 of this bill establishes certain requirements relating to the provision of transportation services by a driver. Section 38 also prohibits a driver from soliciting passengers or providing transportation services except to persons who have arranged for such transportation services through the digital network or software application service of a



transportation network company. Section 39 of this bill prohibits a driver from consuming, using or being under the influence of any intoxicating liquor or controlled substance during any period when the driver is providing transportation services or is logged into the digital network or software application service of a transportation network company. With certain exceptions, section 40 of this bill prohibits a transportation network company from releasing the personally identifiable information of passengers.

Section 41 of this bill provides for the investigation of complaints against a transportation network company or driver. Section 42 of this bill: (1) authorizes the Authority to impose certain penalties for any violation of the provisions of sections 4-14 and 16-46 of this bill by a transportation network company or driver; and (2) provides that a person who violates any provision of sections 4-14 and 16-46 of this bill is not subject to a criminal penalty.

Section 43 of this bill provides that this bill does not exempt any person from any other laws governing the operation of a motor vehicle upon the highways of this State, except that a transportation network company or a driver who provides transportation services within the scope of a permit issued by the Authority is not subject to the provisions of existing law governing motor carriers or public utilities.

Section 44 of this bill prohibits a local government from: (1) imposing any tax or fee on a transportation network company, a driver who has entered into an agreement with such a company or a vehicle operated by such a driver or for transportation services provided by such a driver; (2) requiring a transportation network company or driver to obtain from the local government any certificate, license or permit to provide transportation services; or (3) imposing any other requirement on the operation of a motor vehicle by a transportation network company or driver which is not of general applicability. Section 44 does not prohibit a local government from requiring a transportation network company or driver to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government. Section 44 does not prohibit an airport from requiring a transportation network company or driver to obtain a permit or certification to operate at the airport, pay a fee to operate at the airport or comply with any other requirement to operate at the airport. Section 44 also states that sections 4-14 and 16-46 of this bill do not exempt any person from the requirement to obtain a state business license and requires a transportation network company to notify each driver of the requirement.

Section 45 of this bill requires each transportation network company to provide the Authority with reports at certain times containing certain information about damages resulting from accidents involving drivers

who are providing transportation services or logged into the digital network or software application service of the company and available to receive requests for transportation services. Section 45 also requires the Authority to collect these reports, determine whether the limits of coverage required pursuant to section 11 of this bill are sufficient and report to the Legislative Commission or Director of the Legislative Counsel Bureau.

Sections 47-53 and 58 of this bill revise the provisions of Assembly Bill No. 175 of this session to make the Authority, rather than the Public Utilities Commission of Nevada, responsible for carrying out the provisions of that bill relating to fees, assessments and excise taxes for transportation network companies.

Section 54 of this bill provides that: (1) a transportation network company may commence operations within this State immediately upon being issued a permit; (2) any regulation adopted by the Authority pursuant to sections 4-14 and 16-46 of this bill on or before July 1, 2017, shall not be effective for at least 30 days after filing with the Secretary of State; (3) the Authority must begin to accept applications for permits within 30 days after the effective date of section 26 of this bill; and (4) the Authority shall not issue a permit until July 1, 2015.

Section 55 of this bill requires the Nevada Transportation Authority to investigate and compare specific types of background checks to determine the efficacy, efficiency and effect on public safety and report the results of its investigation to the Legislative Commission.

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

**Section 1.** Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. In a county whose population is 700,000 or more, the commission shall establish and administer the Nevada Yellow Dot Program for the purpose of improving traffic safety.*

*2. The commission specified in subsection 1 shall coordinate with each commission in this State regarding the design, implementation and funding of the Program.*

*3. The Program must:*

*(a) Be available to any person in this State who wishes to participate in the Program by obtaining the materials described in paragraphs (b) and (c):*

*(1) At the main office or any branch office of each commission in this State;*

*(2) At the main office or any branch office of the Nevada Highway Patrol, the Department of Transportation or other location designated by the commission in a county whose population is 700,000 or more; or*

*(3) By mail, upon request.*

*(b) Provide to a participant a distinctive round yellow decal to be placed on a specified location of a vehicle in which the participant is regularly a driver or passenger, to notify first responders that important medical information concerning an occupant of the vehicle may be found in the glove compartment of the vehicle if the occupant is involved in a collision or other emergency.*

*(c) Provide to a participant a brightly colored and distinctively marked envelope and information card to be completed by the participant and kept in the glove box of a vehicle upon which the decal described in paragraph (b) has been affixed. The information card must include, without limitation, spaces for the participant to include:*

- (1) The participant's name;*
- (2) A recent photograph of the participant;*
- (3) Emergency contact information;*
- (4) Any allergies or medical conditions of the participant;*
- (5) The name and contact information of the participant's physician and a preferred hospital, if any; and*
- (6) Information, if any, regarding the participant's health insurance.*

*4. In designing materials for the Program, the commission in a county whose population is 700,000 or more shall consider any materials used by similar programs in other states to ensure, to the extent practicable, uniformity with those materials.*

*5. In a county whose population is 700,000 or more, the commission shall establish and carry out a public information campaign to raise public awareness of the Program. In carrying out that campaign, that commission shall disseminate information concerning the Program to public safety agencies in this State.*

*6. In a county whose population is 700,000 or more, the commission may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the Program, including, without limitation, any private or corporate sponsorship for the Program.*

*7. A first responder is not liable for any civil damages as a result of any act or omission taken by the first responder relating to a collision or other emergency, not amounting to gross negligence, including, without limitation, failure to observe a decal, failure or inability to locate an information card, or reliance on incomplete, incorrect or outdated information on an information card.*

*8. As used in this section, "first responder" means any police, fire or emergency medical personnel acting in the normal course of duty.*

Sec. 2. (Deleted by amendment.)

**Sec. 2.5. NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580,

87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,

665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 **and section 36 of this act** and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

**Sec. 3. Chapter 690B of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 14, inclusive, of this act.**

**Sec. 4. As used in sections 4 to 14, inclusive, of this act, the words and terms defined in sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.**

**Sec. 5. "Driver" has the meaning ascribed to it in section 18 of this act.**

**Sec. 6. "Transportation network company" has the meaning ascribed to it in section 19 of this act.**

Sec. 7. "Transportation network company insurance" means a policy of insurance that includes coverage specifically for the use of a vehicle by a driver pursuant to sections 4 to 14, inclusive, of this act.

Sec. 8. "Transportation services" has the meaning ascribed to it in section 20 of this act.

Sec. 9. The provisions of sections 4 to 14, inclusive, of this act do not apply to a person who is regulated pursuant to chapter 704 or 706 of NRS unless the person holds a permit issued pursuant to section 27 of this act.

Sec. 10. Before allowing a natural person to be connected to a potential passenger using the digital network or software application service of a transportation network company to provide transportation services as a driver, a transportation network company shall, in writing:

1. Disclose the insurance coverage and limits of liability that the transportation network company provides for a driver while the driver is providing transportation services.

2. Notify the person that:

(a) His or her insurance for the operation of a motor vehicle required pursuant to NRS 485.185 may not provide coverage for the use of a motor vehicle to provide transportation services.

(b) If comprehensive or collision coverage was purchased in addition to such insurance, the comprehensive or collision coverage may not apply to any damage which results from the use of the motor vehicle while a driver is providing transportation services or logged into the digital network or software application service of a transportation network company and available to receive requests for transportation services.

3. Disclose to the person that, if there is a lien against a vehicle used by a driver to provide transportation services, the driver must notify the lienholder that the vehicle is being used to provide transportation services.

4. Disclose to the person that the use of a vehicle to provide transportation services may violate the contract between a driver and a lienholder.

Sec. 11. 1. Every transportation network company or driver shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375:

(a) In an amount of not less than \$1,500,000 for bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident that occurs while the driver is providing transportation services;

(b) In an amount of not less than \$50,000 for bodily injury to or death of one person in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services;

(c) Subject to the minimum amount for one person required by paragraph (b), in an amount of not less than \$100,000 for bodily injury to or death of two or more persons in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services; and

(d) In an amount of not less than \$25,000 for injury to or destruction of property of others in any one accident that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services,

↳ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

2. The transportation network company insurance required by subsection 1 may be provided through one or a combination of insurance policies provided by the transportation network company or the driver, or both.

3. Every transportation network company shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, which meets the requirements of subsection 1 as primary insurance if the insurance provided by the driver:

(a) Lapses; or

(b) Fails to meet the requirements of subsection 1.

4. Notwithstanding the provisions of NRS 485.185 and 485.186 which require the owner or operator of a motor vehicle to provide insurance, transportation network company insurance shall be deemed to satisfy the requirements of NRS 485.185 or 485.186, as appropriate, regardless of whether the insurance is provided by the transportation network company or the driver, or both, if the transportation network company insurance otherwise satisfies the requirements of NRS 485.185 or 485.186, as appropriate.

5. In addition to the coverage required pursuant to subsection 1, a policy of transportation network company insurance may include

additional coverage, including, without limitation, coverage for medical payments, coverage for uninsured or underinsured motorists, comprehensive coverage and collision coverage.

6. An insurer who provides transportation network company insurance shall not require a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, to deny a claim before the transportation network company insurance provides coverage for a claim.

7. An insurer who provides transportation network company insurance has a duty to defend and indemnify the driver and the transportation network company.

8. An insurer who provides transportation network company insurance which includes comprehensive coverage or collision coverage for the operation of a motor vehicle against which a lienholder holds a lien shall issue any payment for a claim under such coverage:

(a) Directly to the person who performs repairs upon the vehicle; or

(b) Jointly to the owner of the vehicle and the lienholder.

9. A transportation network company that provides transportation network company insurance for a motor vehicle is not deemed to be the owner of the motor vehicle.

Sec. 12. 1. A policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, is not required to include transportation network company insurance. An insurer providing a policy which excludes transportation network company insurance does not have a duty to defend or indemnify a driver for any claim arising during any period in which the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services.

2. An insurer who provides a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, may include transportation network company insurance in such a policy. An insurer may charge an additional premium for the inclusion of transportation network company insurance in such a policy.

3. An insurer who:

(a) Defends or indemnifies a driver for a claim arising during any period in which the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services; and

(b) Excludes transportation network company insurance from the policy of insurance for the operation of a motor vehicle provided to the driver, ↪ has the right of contribution against other insurers who provide coverage to the driver to satisfy the coverage required by section 11 of this act at the time of the loss.



Sec. 13. In any investigation relating to tort liability arising from the operation of a motor vehicle, each transportation network company and driver, and each insurer providing transportation network company insurance to a transportation network company or driver, who is involved in the underlying incident shall cooperate with any other party to the incident and any other insurer involved in the investigation and share information, including, without limitation:

1. The date and time of an accident involving a driver.
2. The dates and times that the driver involved in an accident logged into the digital network or software application service of the transportation network company for a period of 12 hours immediately preceding and 12 hours immediately following the accident.
3. The dates and times that the driver involved in an accident logged out of the digital network or software application service of the transportation network company for a period of 12 hours immediately preceding and 12 hours immediately following the accident.
4. A clear description of the coverage, exclusions and limits provided under any policy of transportation network company insurance which applies.

Sec. 14. 1. A driver shall carry proof of coverage under a policy of transportation network company insurance at all times when the driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services.

2. A driver shall provide proof of coverage under a policy of transportation network company insurance and disclose whether he or she was logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services at the time of an accident upon request to a law enforcement officer and to any party with whom the driver is involved in an accident.

Sec. 15. Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 16 to 46, inclusive, of this act.

Sec. 16. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 17 to 20, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 17. “Authority” means the Nevada Transportation Authority.

Sec. 18. “Driver” means a natural person who:

1. Operates a motor vehicle that is owned, leased or otherwise authorized for use by the person; and
2. Enters into an agreement with a transportation network company to receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee to the transportation network company.

Sec. 19. "Transportation network company" or "company" means an entity that uses a digital network or software application service to connect a passenger to a driver who can provide transportation services to the passenger.

Sec. 20. "Transportation services" means the transportation by a driver of one or more passengers between points chosen by the passenger or passengers and prearranged through the use of the digital network or software application service of a transportation network company. The term includes only the period beginning when a driver accepts a request by a passenger for transportation through the digital network or software application service of a transportation network company and ending when the last such passenger fully disembarks from the motor vehicle operated by the driver.

Sec. 21. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter to ensure the safety, reliability and cost-effectiveness of the transportation services provided by drivers affiliated with transportation network companies in this State.

Sec. 22. The provisions of this chapter do not apply to:

1. Common motor carriers or contract motor carriers that are providing transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.2705.

2. A person who provides a digital network or software application service to enable persons who are interested in sharing expenses for transportation to a destination, commonly known as carpooling, to connect with each other, regardless of whether a fee is charged by the person who provides the digital network or software application service.

Sec. 23. Nothing in this chapter shall be construed to deem a motor vehicle operated by a driver to provide transportation services to be a commercial motor vehicle.

Sec. 24. Except as otherwise provided in this chapter and the regulations adopted pursuant thereto or by a written contract between a transportation network company and a driver, a company shall not control, direct or manage a driver or the motor vehicle operated by a driver.

Sec. 25. 1. A transportation network company shall not engage in business in this State unless the company holds a valid permit issued by the Authority pursuant to this chapter.

2. A driver shall not provide transportation services unless the company with which the driver is affiliated holds a valid permit issued by the Authority pursuant to this chapter.

3. The Authority is authorized and empowered to regulate, pursuant to the provisions of this chapter, all transportation network companies and drivers who operate or wish to operate within this State. The Authority shall not apply any provision of chapter 706 of NRS to a transportation

network company or a driver who operates within the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 26. A person who desires to operate a transportation network company in this State must submit to the Authority an application for the issuance of a permit to operate a transportation network company. The application must be in the form required by the Authority and must include such information as the Authority, by regulation, determines is necessary to prove the person meets the requirements of this chapter for the issuance of a permit.

Sec. 27. 1. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) Does not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter 706 of NRS other than the activity authorized by this chapter.

3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to section 26 of this act and meets the requirements for the issuance of a permit.

Sec. 28. A transportation network company shall appoint and keep in this State a registered agent as provided in NRS 14.020.

Sec. 29. 1. A transportation network company may enter into an agreement with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

2. Before a transportation network company allows a person to be connected to potential passengers using the digital network or software application service of the company pursuant to an agreement with the company, the company must:

(a) Require the person to submit an application to the company, which must include, without limitation:

(1) The name, age and address of the applicant.

(2) A copy of the driver's license of the applicant.

- (3) A record of the driving history of the applicant.
- (4) A description of the motor vehicle of the applicant and a copy of the motor vehicle registration.
- (5) Proof that the applicant has complied with the requirements of NRS 485.185.
- (b) At the time of application and not less than once every 3 years thereafter, conduct or contract with a third party to conduct an investigation of the criminal history of the applicant, which must include, without limitation:
- (1) A review of a commercially available database containing criminal records from each state which are validated using a search of the primary source of each record.
- (2) A search of a database containing the information available in the sex offender registry maintained by each state.
- (c) At the time of application and not less than once every year thereafter, obtain and review a complete record of the driving history of the applicant.
3. A transportation network company may enter into an agreement with a driver if:
- (a) The applicant is at least 19 years of age.
- (b) The applicant possesses a valid driver's license issued by the Department of Motor Vehicles unless the applicant is exempt from the requirement to obtain a Nevada driver's license pursuant to NRS 483.240.
- (c) The applicant provides proof that the motor vehicle operated by him or her is registered with the Department of Motor Vehicles unless the applicant is exempt from the requirement to register the motor vehicle in this State pursuant to NRS 482.385.
- (d) The applicant provides proof that the motor vehicle operated by him or her is operated and maintained in compliance with all applicable federal, state and local laws.
- (e) The applicant provides proof that he or she currently is in compliance with the provisions of NRS 485.185.
- (f) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of three or more violations of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a misdemeanor.
- (g) In the 3 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of the motor vehicle laws of this State or any traffic ordinance of any city or town, the penalty prescribed for which is a gross misdemeanor or felony.
- (h) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any violation of federal, state or local law prohibiting driving or being in actual

physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

(i) In the 7 years immediately preceding the date on which the application is submitted, the applicant has not been found guilty of any crime involving an act of terrorism, an act of violence, a sexual offense, fraud, theft, damage to property of another or the use of a motor vehicle in the commission of a felony.

(j) The name of the applicant does not appear in the database searched pursuant to subparagraph (2) of paragraph (b) of subsection 2.

4. A transportation network company shall terminate an agreement with any driver who:

(a) Fails to submit to the transportation network company a change in his or her address, driver's license or motor vehicle registration within 30 days after the date of the change.

(b) Fails to immediately report to the transportation network company any change in his or her driving history or criminal history.

(c) Refuses to authorize the transportation network company to obtain and review an updated complete record of his or her driving history not less than once each year and an investigation of his or her criminal history not less than once every 3 years.

(d) Is determined by the transportation network company to be ineligible for an agreement pursuant to subsection 3 on the basis of any updated information received by the transportation network company.

Sec. 30. 1. In accordance with the provisions of this chapter, a transportation network company which holds a valid permit issued by the Authority pursuant to this chapter may, on behalf of a driver, charge a fare for transportation services provided to a passenger by the driver.

2. If a fare is charged, the company must disclose the rates charged by the company and the method by which the amount of a fare is calculated:

(a) On an Internet website maintained by the company; or

(b) Within the digital network or software application service of the company.

3. If a fare is charged, the company must offer to each passenger the option to receive, before the passenger enters the motor vehicle of a driver, an estimate of the amount of the fare that will be charged to the passenger.

4. A transportation network company may accept payment of a fare only electronically. A transportation network company or a driver shall not solicit or accept cash as payment of a fare.

5. A transportation network company shall not impose any additional charge for a driver who provides transportation services to a person with a physical disability because of the disability.

6. The Authority may adopt regulations establishing a maximum fare that may be charged during an emergency, as defined in NRS 414.0345.

Sec. 31. 1. A transportation network company shall not allow a driver to be connected to potential passengers using the digital network or

software application service of the company if the motor vehicle operated by the driver to provide transportation services:

(a) Is not in compliance with all federal, state and local laws concerning the operation and maintenance of the motor vehicle.

(b) Has less than four doors.

(c) Is designed to carry more than eight passengers, including the driver.

(d) Is a farm tractor, mobile home, recreational vehicle, semitractor, semitrailer, trailer, bus, motorcycle or tow car.

2. A transportation network company shall inspect or cause to be inspected every motor vehicle used by a driver to provide transportation services before allowing the driver to use the motor vehicle to provide transportation services and not less than once each year thereafter.

3. The inspection required by subsection 2 must include, without limitation, an inspection of the foot and emergency brakes, steering, windshield, rear window, other glass, windshield wipers, headlights, tail lights, turn indicator lights, braking lights, front seat adjustment mechanism, doors, horn, speedometer, bumpers, muffler, exhaust, tires, rear view mirrors and safety belts of the vehicle which ensures the proper functioning of each component.

Sec. 32. 1. A transportation network company shall adopt a policy which prohibits discrimination against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

2. A driver shall not discriminate against a passenger or potential passenger on account of national origin, religion, age, disability, sex, race, color, sexual orientation or gender identity or expression.

3. A transportation network company shall provide to each passenger an opportunity to indicate whether the passenger requires transportation in a motor vehicle that is wheelchair accessible. If the company cannot provide the passenger with transportation services in a motor vehicle that is wheelchair accessible, the company must direct the passenger to an alternative provider or means of transportation that is wheelchair accessible, if available.

Sec. 33. For each instance in which a driver provides transportation services to a passenger, the transportation network company which connected the passenger to the driver shall provide to the passenger, before the passenger enters the motor vehicle of a driver, a photograph of the driver who will provide the transportation services and the license plate number of the motor vehicle operated by the driver. The information required by this section must be provided to the passenger:

1. On an Internet website maintained by the company; or

2. Within the digital network or software application service of the company.

Sec. 34. A transportation network company which connected a passenger to a driver shall, within a reasonable period following the

provision of transportation services by the driver to the passenger, transmit to the passenger an electronic receipt, which must include, without limitation:

1. A description of the point of origin and the destination of the transportation services;
2. The total time for which transportation services were provided;
3. The total distance traveled; and
4. An itemization of the fare, if any, charged for the transportation services.

Sec. 35. A transportation network company may enter into a contract with any agency of the Department of Health and Human Services to provide assistance in transportation pursuant to the programs administered by the agency.

Sec. 36. 1. A transportation network company shall maintain the following records relating to the business of the company for a period of at least 3 years after the date on which the record is created:

- (a) Trip records;
- (b) Driver records and vehicle inspection records;
- (c) Records of each complaint and the resolution of each complaint; and
- (d) Records of each accident or other incident that involved a driver and was reported to the transportation network company.

2. Each transportation network company shall make its records available for inspection by the Authority upon request and only as necessary for the Authority to investigate complaints. This subsection does not require a company to make any proprietary information available to the Authority. Any records provided to the Authority are confidential and must not be disclosed other than to employees of the Authority.

Sec. 37. 1. Each transportation network company shall:

- (a) Keep uniform and detailed accounts of all business transacted in this State and provide such accounts to the Authority upon request;
- (b) On or before May 15 of each year, provide an annual report to the Authority regarding all business conducted by the company in this State during the preceding calendar year; and
- (c) Provide the information determined by the Authority to be necessary to verify the collection of money owed to the State.

2. The Authority shall adopt regulations setting forth the form and contents of the information required to be provided pursuant to subsection 1.

3. If the Authority determines that a transportation network company has failed to include information in its accounts or report required pursuant to subsection 1, the Authority shall notify the company to provide such information. A company which receives a notice pursuant to this subsection shall provide the specified information within 15 days after receipt of such a notice.

4. All information required to be provided pursuant to this section must be signed by an officer or agent of, or other person authorized by, the transportation network company under oath.

Sec. 38. 1. A driver shall not solicit or accept a passenger or provide transportation services to any person unless the person has arranged for the transportation services through the digital network or software application service of the transportation network company.

2. With respect to a passenger's destination, a driver shall not:

(a) Deceive or attempt to deceive any passenger who rides or desires to ride in the driver's motor vehicle.

(b) Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

(c) Take a longer route to the passenger's destination than is necessary, unless specifically requested to do so by the passenger.

(d) Fail to comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

3. A driver shall not, at the time the driver picks up a passenger, refuse or neglect to provide transportation services to any orderly passenger unless the driver can demonstrate to the satisfaction of the Authority that:

(a) The driver has good reason to fear for the driver's personal safety;  
or

(b) The driver is prohibited by law or regulation from carrying the person requesting transportation services.

Sec. 39. 1. A driver is prohibited from consuming, using or being under the influence of any intoxicating liquor or controlled substance during any period in which the driver is providing transportation services on behalf of the transportation network company and any period in which the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not providing transportation services.

2. Each transportation network company shall:

(a) Provide notice of the provisions of subsection 1:

(1) On an Internet website maintained by the company; or

(2) Within the digital network or software application service of the company; and

(b) Provide for the submission to the company of a complaint by a passenger who reasonably believes that a driver is operating a motor vehicle in violation of the provisions of subsection 1.

3. Upon receipt of a complaint submitted by a passenger who reasonably believes that a driver is operating a motor vehicle in violation of the provisions of subsection 1, a transportation network company shall immediately suspend the access of the driver to the digital network or software application service of the company and conduct an investigation of the complaint. The company shall not allow the driver to access the digital network or software application service of the company or provide



transportation services in affiliation with the company until after the investigation is concluded.

4. If a transportation network company determines, pursuant to an investigation conducted pursuant to subsection 3, that a driver has violated the provisions of subsection 1, the company shall terminate the agreement entered into with the driver and shall not allow the driver to access the digital network or software application service of the company.

5. Each transportation network company shall maintain a record of each complaint described in subsection 3 and received by the company for a period of not less than 3 years after the date on which the complaint is received. The record must include, without limitation, the name of the driver, the date on which the complaint was received, a summary of the investigation conducted by the company and the results of the investigation.

Sec. 40. 1. Except as otherwise provided in this section, a transportation network company shall not disclose to any person the personally identifiable information of a passenger who received services from the company unless:

(a) The disclosure is otherwise required by law;

(b) The company determines that disclosure is required to protect or defend the terms of use of the services or to investigate violations of those terms of use; or

(c) The passenger consents to the disclosure.

2. A transportation network company may disclose to a driver the name and telephone number of a passenger for the purposes of facilitating correct identification of the passenger and facilitating communication between the driver and the passenger.

Sec. 41. Each transportation network company shall:

1. Provide notice of the contact information of the Authority on an Internet website maintained by the company or within the digital network or software application service of the company; and

2. Create a system to receive and address complaints from consumers which is available during normal business hours in this State.

Sec. 42. 1. If the Authority determines that a transportation network company or driver has violated the terms of a permit issued pursuant to this chapter or any provision of this chapter or any regulations adopted pursuant thereto, the Authority may, depending on whether the violation was committed by the company, the driver, or both:

(a) If the Authority determines that the violation is willful and endangers public safety, suspend or revoke the permit issued to the transportation network company;

(b) If the Authority determines that the violation is willful and endangers public safety, impose against the transportation network company an administrative fine in an amount not to exceed \$100,000 per violation;

(c) Prohibit a person from operating as a driver; or  
(d) Impose any combination of the penalties provided in paragraphs (a), (b) and (c).

2. To determine the amount of an administrative fine imposed pursuant to paragraph (b) or (d) of subsection 1, the Authority shall consider:

(a) The size of the transportation network company;  
(b) The severity of the violation;  
(c) Any good faith efforts by the transportation network company to remedy the violation;  
(d) The history of previous violations by the transportation network company; and  
(e) Any other factor that the Authority determines to be relevant.

3. Notwithstanding the provisions of NRS 193.170, a person who violates any provision of this chapter is not subject to any criminal penalty for such a violation.

Sec. 43. 1. Except as otherwise provided in subsection 2, the provisions of this chapter do not exempt any person from any law governing the operation of a motor vehicle upon the highways of this State.

2. A transportation network company which holds a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an agreement with such a company and a vehicle operated by such a driver are exempt from:

(a) The provisions of chapter 704 relating to public utilities; and  
(b) The provisions of chapter 706 of NRS,

↳ to the extent that the services provided by the company or driver are within the scope of the permit.

Sec. 44. 1. Except as otherwise provided in subsection 2, a local governmental entity shall not:

(a) Impose any tax or fee on a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter, a driver who has entered into an agreement with such a company or a vehicle operated by such a driver or for transportation services provided by such a driver.

(b) Require a transportation network company operating within the scope of a valid permit issued by the Authority pursuant to this chapter to obtain from the local government any certificate, license or permit to operate within that scope or require a driver who has entered into an agreement with such a company to obtain from the local government any certificate, license or permit to provide transportation services.

(c) Impose any other requirement upon a transportation network company or a driver which is not of general applicability to all persons who operate a motor vehicle within the jurisdiction of the local government.

2. Nothing in this section:

(a) Prohibits a local governmental entity from requiring a transportation network company or driver to obtain from the local government a business

license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.

(b) Prohibits an airport or its governing body from requiring a transportation network company or a driver to:

(1) Obtain a permit or certification to operate at the airport;

(2) Pay a fee to operate at the airport; or

(3) Comply with any other requirement to operate at the airport.

(c) Exempts a vehicle operated by a driver from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.

3. The provisions of this chapter do not exempt any person from the requirement to obtain a state business license issued pursuant to chapter 76 of NRS. A transportation network company shall notify each driver of the requirement to obtain a state business license issued pursuant to chapter 76 of NRS and the penalties for failing to obtain a state business license.

Sec. 45. 1. Each transportation network company shall provide to the Authority reports containing information relating to motor vehicle accidents involving drivers affiliated with the company which occurred in this State while the driver was providing transportation services or logged into the digital network or software application service of the company and available to receive requests for transportation services. The reports required by this subsection must contain the information identified in subsection 2 and be submitted:

(a) For all accidents that occurred during the first 6 months that the company operates within this State, on or before the date 7 months after the company was issued a permit.

(b) For all accidents that occurred during the first 12 months that the company operates within this State, on or before the date 13 months after the company was issued a permit.

2. The reports submitted pursuant to subsection 1 must include, for the period of time specified in subsection 1:

(a) The number of motor vehicle accidents which occurred in this State involving such a driver;

(b) The highest, lowest and average amount paid for bodily injury or death to one or more persons that occurred as a result of such an accident; and

(c) The highest, lowest and average amount paid for damage to property that occurred as a result of such an accident.

3. The Authority shall collect the reports submitted by transportation network companies pursuant to subsection 1 and determine whether the limits of coverage required pursuant to section 11 of this act are sufficient. The Authority shall submit a report stating whether the limits of coverage required pursuant to section 11 of this act are sufficient and containing the information, in an aggregated format which does not reveal the identity of any person, submitted by transportation network companies pursuant to

subsection 1 since the last report of the Authority pursuant to this subsection:

(a) To the Legislative Commission on or before December 1 of each odd-numbered year.

(b) To the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature on or before December 1 of each even-numbered year.

Sec. 46. The Authority shall adopt such regulations as are necessary to carry out the provisions of this chapter.

Sec. 47. Section 14 of Assembly Bill No. 175 of this session is hereby amended to read as follows:

Sec. 14. Title 58 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 15 to ~~46,~~ 28, inclusive, of this act.

Sec. 48. Section 25 of Assembly Bill No. 175 of this session is hereby amended to read as follows:

Sec. 25. A person who desires to operate a transportation network company in this State must submit to the ~~Commission~~ Authority an application for the issuance of a permit to operate a transportation network company. The application must be in the form required by the ~~Commission~~ Authority, must be accompanied by the fee required by section 27 of this act and must include such information as ~~reasonably required by~~ the ~~Commission~~ Authority, by regulation ~~it~~, determines is necessary to prove the person meets the requirements of this chapter for the issuance of a permit.

Sec. 49. Section 26 of Assembly Bill No. 175 of this session is hereby amended to read as follows:

Sec. 26. 1. Upon receipt of a completed application and payment of the required fee and upon a determination by the ~~Commission~~ Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the ~~Commission~~ Authority shall issue to the applicant within ~~120~~ 30 days a permit to operate a transportation network company in this State.

2. In accordance with the provisions of this chapter, a permit issued pursuant to this section:

(a) Authorizes a transportation network company to connect one or more passengers through the use of a digital network or software application service to a driver who can provide transportation services.

(b) Authorizes a transportation network company to make its digital network or software application service available to one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company.

(c) Does not authorize a transportation network company or any driver to engage in any activity otherwise regulated pursuant to chapter

706 of NRS other than the activity authorized by ~~sections 15 to 46, inclusive, of~~ this ~~act~~ chapter.

**3. Nothing in this chapter prohibits the issuance of a permit to operate a transportation network company to a person who is regulated pursuant to chapter 706 of NRS if the person submits an application pursuant to section 25 of this act and meets the requirements for the issuance of a permit.**

**Sec. 50. Section 27 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 27. 1. The ~~{Commission}~~ Authority shall charge and collect a fee in an amount established by the ~~{Commission}~~ Authority by regulation from each applicant for a permit to operate a transportation network company in this State. The fee required by this subsection is not refundable. The ~~{Commission}~~ Authority shall not issue a permit to operate a transportation network company in this State unless the applicant has paid the fee required by this subsection.

2. For each year after the year in which the ~~{Commission}~~ Authority issues a permit to a transportation network company, the ~~{Commission}~~ Authority shall levy and collect an annual assessment from the transportation network company at a rate determined by the ~~{Commission}~~ Authority based on the gross operating revenue derived from the intrastate operations of the transportation network company in this State.

3. The annual assessment levied and collected by the ~~{Commission}~~ Authority pursuant to subsection 2 must be used by the ~~{Commission}~~ Authority for the regulation of transportation network companies.

**Sec. 51. Section 28 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 28. 1. In addition to any other fee or assessment imposed pursuant to this chapter, an excise tax is hereby imposed on the use of a digital network or software application service of a transportation network company to connect a passenger to a driver for the purpose of providing transportation services at the rate of 3 percent of the total fare charged for transportation services, which must include, without limitation, all fees, surcharges, technology fees, convenience charges for the use of a credit or debit card and any other amount that is part of the fare. The ~~{Commission}~~ Authority shall charge and collect from each transportation network company the excise tax imposed by this subsection.

2. The excise tax collected by the ~~{Commission}~~ Authority pursuant to subsection 1 must be deposited with the State Treasurer in accordance with the provisions of section 53 of this act.

**Sec. 52. Section 53 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 53. The State Treasurer shall deposit any money the State Treasurer receives from the ~~[Public Utilities Commission of]~~ Nevada **Transportation Authority** pursuant to ~~[section]~~ **sections 28** ~~[of this act, the Authority pursuant to section]~~ **and 51** of this act and the Taxicab Authority pursuant to section 52 of this act:

1. For the first \$5,000,000 of the combined amount of such money received in each biennium, for credit to the State Highway Fund.
2. For any additional amount of such money received in each fiscal year, for credit to the State General Fund.

**Sec. 53. Section 58 of Assembly Bill No. 175 of this session is hereby amended to read as follows:**

Sec. 58. 1. This section and sections ~~[2]~~ **14, 15, 17, 18, 19, 25** to ~~[50,]~~ **28, inclusive, 50, 53** and ~~[53 to 57, inclusive,]~~ **54** of this act become effective upon passage and approval.

2. Sections 51 and 52 of this act become effective on the 90th day after the effective date described in subsection 1.

3. Section 1 of this act becomes effective on October 1, 2015.

**Sec. 54. 1. Notwithstanding any regulation adopted by the Nevada Transportation Authority pursuant to sections 16 to 46, inclusive, of this act, a transportation network company, as defined in section 19 of this act, which is issued a permit by the Nevada Transportation Authority pursuant to section 27 of this act on or before July 1, 2017, may commence operations in this State immediately upon being issued a permit.**

**2. Notwithstanding the effective date of any regulation adopted by the Nevada Transportation Authority pursuant to sections 16 to 46, inclusive, of this act on or before July 1, 2017, a transportation network company must not be required to comply with the provisions of the regulation until 30 days after the regulation is filed with the Secretary of State.**

**3. The Nevada Transportation Authority shall accept applications for a permit to operate a transportation network company within 30 days after the effective date of section 26 of this act.**

**4. Notwithstanding the provisions of section 27 of this act, the Nevada Transportation Authority shall not, before July 1, 2015, issue a permit to operate a transportation network company.**

**Sec. 55. 1. The Nevada Transportation Authority shall investigate and compare the efficacy, efficiency and effect on public safety of background checks performed pursuant to paragraph (b) of subsection 2 of section 29 of this act and background checks performed by submitting the fingerprints of a person by the Central Repository for Nevada Records of Criminal History to the Federal Bureau of Investigation for its report.**

**2. The Nevada Transportation Authority shall, on or before the date 6 months after the effective date of this section, report the results of its investigation to the Legislative Commission.**

**Sec. 56. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

~~Sec. 2.5.~~ **Sec. 57.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

**Sec. 58. Sections 2 to 13, inclusive, 16, 20 to 24, inclusive, 29 to 49, inclusive, 55, 56 and 57 of Assembly Bill No. 175 of this session are hereby repealed.**

~~Sec. 3.~~ **Sec. 59. 1. This section, sections 2 to 46, inclusive, 54, 55 and 56 of this act becomes effective upon passage and approval.**

**2. Sections 47 to 53, inclusive, and 58 of this act become effective upon passage and approval of Assembly Bill No. 175 of this session.**

**3. Sections 1 and 57 of this act become effective on January 1, 2016.**

Assemblyman Wheeler moved that the Assembly concur in the Senate Amendment No. 965 to Assembly Bill No. 176.

Remarks by Assemblyman Wheeler.

ASSEMBLYMAN WHEELER:

Amendment 965 to Assembly Bill 176 provides for the permitting by the Nevada Transportation Authority [NTA] of transportation network companies and the regulation by the NTA of the provision of transportation services. Specifically, the amendment requires that the transportation network companies hold a valid permit issued by the NTA; establishes insurance requirements for transportation network companies; empowers the NTA to regulate transportation network companies and transportation network company drivers; establishes minimum qualifications for drivers and requires a transportation network company to conduct certain background checks; requires an annual inspection of each motor vehicle operated by a transportation network company driver; and prohibits a local government from imposing taxes, fees, or certain other requirements on a transportation network company. The amendment provides that neither a transportation network company nor a transportation network company driver is subject to the provisions of existing law governing motor carriers or public utilities.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that the Assembly suspend paragraph 4 of Assembly Standing Rule No. 57 for the balance of session.

Motion carried.

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

Assembly in recess at 1:26 p.m.

## ASSEMBLY IN SESSION

At 4:17 p.m.

Mr. Speaker presiding.

Quorum not present.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Kenzie Taylor.

On request of Assemblywoman Seaman, the privilege of the floor of the Assembly Chamber for this day was extended to Clara Thomas, Mark Matthews, and Debra Springer.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Thom Collins and Susan Collins.

Mr. Speaker announced that the Assembly would adjourn until Wednesday, May 27, 2015, at 11:30 a.m.

Motion carried.

Assembly adjourned at 4:17 p.m.

Approved:

JOHN HAMBRICK  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*