

ASSEMBLY BILL NO. 234—ASSEMBLYMEN FUMO, WATKINS, FRIERSON, CARRILLO, YEAGER; ARAUJO, BROOKS, COHEN, DALY, FLORES, HAMBRICK, JAUREGUI, JOINER, MCCURDY II, MILLER, MONROE-MORENO, OHRENSCHALL, PICKARD, SPIEGEL, SPRINKLE AND THOMPSON

FEBRUARY 24, 2017

JOINT SPONSORS: SENATORS FORD AND WOODHOUSE

Referred to Committee on Transportation

SUMMARY—Revises provisions governing motor carriers. (BDR 58-651)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to motor carriers; requiring certain motor carriers of passengers which transport certain persons with disabilities to ensure that each vehicle used for the transport is equipped with first-aid equipment and each driver of the vehicle receives training in first-aid and cardiopulmonary resuscitation; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, common motor carriers of passengers and contract motor
2 carriers of passengers are subject to supervision and regulation by the Nevada
3 Transportation Authority, with some exceptions. (NRS 706.166)

4 **Section 1** of this bill requires a common motor carrier of passengers, contract
5 motor carrier of passengers and any other person or entity, other than a taxicab
6 motor carrier, providing a means of public conveyance and transportation operating
7 in this State and which transports for compensation certain persons with
8 disabilities, commonly referred to as “paratransit services,” to ensure that: (1) each



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9 vehicle used in the transport is equipped with a first-aid kit; and (2) each driver of a
10 vehicle used for the transport receives training in first aid and cardiopulmonary
11 resuscitation. Existing law makes a violation of this requirement a misdemeanor.
12 (NRS 706.756) **Sections 2-5** of this bill make conforming changes.

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

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

3 *A common motor carrier of passengers, contract motor carrier*
4 *of passengers or other person or entity providing a means of*
5 *public conveyance and transportation operating within this State*
6 *which, pursuant to the requirements of 49 C.F.R. § 37.121,*
7 *transports for compensation within this State persons with*
8 *disabilities who are eligible pursuant to 49 C.F.R. § 37.123 for the*
9 *transportation shall ensure that:*

10 1. *Each vehicle used for the transport is equipped with a first-*
11 *aid kit; and*

12 2. *Each driver of a vehicle used for the transport receives*
13 *training in the use and administration of first aid and*
14 *cardiopulmonary resuscitation that is conducted in accordance*
15 *with the standards of the American Heart Association, the*
16 *American Red Cross or any similar organization that includes*
17 *certification in:*

18 (a) *First aid; and*

19 (b) *Cardiopulmonary resuscitation.*

20 **Sec. 2.** NRS 706.011 is hereby amended to read as follows:

21 706.011 As used in NRS 706.011 to 706.791, inclusive, *and*
22 *section 1 of this act*, unless the context otherwise requires, the
23 words and terms defined in NRS 706.013 to 706.146, inclusive,
24 have the meanings ascribed to them in those sections.

25 **Sec. 3.** NRS 706.156 is hereby amended to read as follows:

26 706.156 1. All common and contract motor carriers and
27 brokers are hereby declared to be, to the extent provided in this
28 chapter:

29 (a) Affected with a public interest; and

30 (b) Subject to NRS 706.011 to 706.791, inclusive **H** , *and*
31 *section 1 of this act.*

32 2. A purchaser or broker of transportation services which are
33 provided by a common motor carrier who holds a certificate of
34 public convenience and necessity may resell those services, in
35 combination with other services and facilities that are not related to
36 transportation, but only in a manner complying with the scope of
37 authority set forth in the certificate of the common motor carrier.



1 The Authority shall not prohibit or restrict such a purchaser or
2 broker from reselling those transportation services to any person
3 based upon that person's affiliation, or lack of affiliation, with any
4 group.

5 **Sec. 4.** NRS 706.745 is hereby amended to read as follows:

6 706.745 1. The provisions of NRS 706.386 and 706.421 do
7 not apply to:

8 (a) Ambulances;

9 (b) Hearses; or

10 (c) Common motor carriers or contract motor carriers that are
11 providing transportation services pursuant to a contract with the
12 Department of Health and Human Services entered into pursuant to
13 NRS 422.27495.

14 2. A common motor carrier that enters into an agreement for
15 the purchase of its service by an incorporated city, county or
16 regional transportation commission is not required to obtain a
17 certificate of public convenience and necessity to operate a system
18 of public transit consisting of:

19 (a) Regular routes and fixed schedules;

20 (b) Nonemergency medical transportation of persons to facilitate
21 their participation in jobs and day training services as defined in
22 NRS 435.176 if the transportation is available upon request and
23 without regard to regular routes or fixed schedules;

24 (c) Nonmedical transportation of persons with disabilities
25 without regard to regular routes or fixed schedules; or

26 (d) In a county whose population is less than 100,000 or an
27 incorporated city within such a county, nonmedical transportation of
28 persons if the transportation is available by reservation 1 day in
29 advance of the transportation and without regard to regular routes or
30 fixed schedules.

31 3. Under any agreement for a system of public transit that
32 provides for the transportation of passengers that is described in
33 subsection 2:

34 (a) The public entity shall provide for any required safety
35 inspections; or

36 (b) If the public entity is unable to do so, the Authority shall
37 provide for any required safety inspections.

38 4. In addition to the requirements of subsection 3, under an
39 agreement for a system of public transit that provides for the
40 transportation of passengers that is described in:

41 (a) Paragraph (a) of subsection 2, the public entity shall
42 establish the routes and fares.

43 (b) Paragraph (c) or (d) of subsection 2, the common motor
44 carrier:



1 (1) May provide transportation to any passenger who can
2 board a vehicle with minimal assistance from the operator of the
3 vehicle.

4 (2) ~~Shall~~ *Except as otherwise provided in section 1 of this*
5 *act, shall* not offer medical assistance as part of its transportation
6 service.

7 5. In a county whose population:

8 (a) Is less than 700,000, a nonprofit carrier of elderly persons or
9 persons with disabilities is not required to obtain a certificate of
10 public convenience and necessity to operate as a common motor
11 carrier of such passengers only, but such a carrier is not exempt
12 from inspection by the Authority to determine whether its vehicles
13 and their operation are safe.

14 (b) Is 700,000 or more, a nonprofit carrier of elderly persons or
15 persons with disabilities is not required to obtain a certificate of
16 public convenience and necessity to operate as a common motor
17 carrier of such passengers only, but:

18 (1) Only if the nonprofit carrier:

19 (I) Does not charge for transportation services;

20 (II) Provides transportation services pursuant to a contract
21 with the Department of Health and Human Services entered into
22 pursuant to NRS 422.27495; or

23 (III) Enters into an agreement for the purchase of its
24 service by an incorporated city, county or regional transportation
25 commission; and

26 (2) Such a carrier is not exempt from inspection by the
27 Authority to determine whether its vehicles and their operation are
28 safe.

29 6. An incorporated city, county or regional transportation
30 commission is not required to obtain a certificate of public
31 convenience and necessity to operate a system of public
32 transportation.

33 7. Before an incorporated city or a county enters into an
34 agreement with a common motor carrier for a system of public
35 transit that provides for the transportation of passengers that is
36 described in paragraph (c) or (d) of subsection 2 in an area of the
37 incorporated city or an area of the county, it must determine that:

38 (a) There are no other common motor carriers of passengers
39 who are authorized to provide such services in that area; or

40 (b) Although there are other common motor carriers of
41 passengers who are authorized to provide such services in the area,
42 the common motor carriers of passengers do not wish to provide, or
43 are not capable of providing, such services.



1 **Sec. 5.** NRS 706.756 is hereby amended to read as follows:

2 706.756 1. Except as otherwise provided in subsection 2, any
3 person who:

4 (a) Operates a vehicle or causes it to be operated in any carriage
5 to which the provisions of NRS 706.011 to 706.861, inclusive, **and**
6 **section 1 of this act**, apply without first obtaining a certificate,
7 permit or license, or in violation of the terms thereof;

8 (b) Fails to make any return or report required by the provisions
9 of NRS 706.011 to 706.861, inclusive, **and section 1 of this act** or
10 by the Authority or the Department pursuant to the provisions of
11 NRS 706.011 to 706.861, inclusive **†**, **and section 1 of this act**;

12 (c) Violates, or procures, aids or abets the violating of, any
13 provision of NRS 706.011 to 706.861, inclusive **†**, **and section 1**
14 **of this act**;

15 (d) Fails to obey any order, decision or regulation of the
16 Authority or the Department;

17 (e) Procures, aids or abets any person in the failure to obey such
18 an order, decision or regulation of the Authority or the Department;

19 (f) Advertises, solicits, proffers bids or otherwise is held out to
20 perform transportation as a common or contract carrier in violation
21 of any of the provisions of NRS 706.011 to 706.861, inclusive **†**,
22 **and section 1 of this act**;

23 (g) Advertises as providing:

24 (1) The services of a fully regulated carrier; or

25 (2) Towing services,

26 ↳ without including the number of the person's certificate of public
27 convenience and necessity or contract carrier's permit in each
28 advertisement;

29 (h) Knowingly offers, gives, solicits or accepts any rebate,
30 concession or discrimination in violation of the provisions of this
31 chapter;

32 (i) Knowingly, willfully and fraudulently seeks to evade or
33 defeat the purposes of this chapter;

34 (j) Operates or causes to be operated a vehicle which does not
35 have the proper identifying device;

36 (k) Displays or causes or permits to be displayed a certificate,
37 permit, license or identifying device, knowing it to be fictitious or to
38 have been cancelled, revoked, suspended or altered;

39 (l) Lends or knowingly permits the use of by one not entitled
40 thereto any certificate, permit, license or identifying device issued to
41 the person so lending or permitting the use thereof; or

42 (m) Refuses or fails to surrender to the Authority or Department
43 any certificate, permit, license or identifying device which has been
44 suspended, cancelled or revoked pursuant to the provisions of this
45 chapter,



1 ↳ is guilty of a misdemeanor, and upon conviction thereof shall be
2 punished by a fine of not less than \$100 nor more than \$1,000, or by
3 imprisonment in the county jail for not more than 6 months, or by
4 both fine and imprisonment.

5 2. Any person who, in violation of the provisions of NRS
6 706.386, operates as a fully regulated common motor carrier without
7 first obtaining a certificate of public convenience and necessity or
8 any person who, in violation of the provisions of NRS 706.421,
9 operates as a contract motor carrier without first obtaining a permit
10 is guilty of a misdemeanor and shall be punished:

11 (a) For a first offense within a period of 12 consecutive months,
12 by a fine of not less than \$500 nor more than \$1,000. In addition to
13 the fine, the person may be punished by imprisonment in the county
14 jail for not more than 6 months.

15 (b) For a second offense within a period of 12 consecutive
16 months and for each subsequent offense that is committed within a
17 period of 12 consecutive months of any prior offense under this
18 subsection, by a fine of \$1,000. In addition to the fine, the person
19 may be punished by imprisonment in the county jail for not more
20 than 6 months.

21 3. Any person who, in violation of the provisions of NRS
22 706.386, operates or permits the operation of a vehicle in passenger
23 service without first obtaining a certificate of public convenience
24 and necessity is guilty of a gross misdemeanor.

25 4. If a law enforcement officer witnesses a violation of any
26 provision of subsection 2 or 3, the law enforcement officer may
27 cause the vehicle to be towed immediately from the scene and
28 impounded in accordance with NRS 706.476.

29 5. The fines provided in this section are mandatory and must
30 not be reduced under any circumstances by the court.

31 6. Any bail allowed must not be less than the appropriate fine
32 provided for by this section.

33 **Sec. 6.** The provisions of NRS 354.599 do not apply to any
34 additional expenses of a local government that are related to the
35 provisions of this act.

