

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)

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 to provide each driver of the vehicle 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
9 vehicle used in the transport is equipped with a first-aid kit; and (2) each driver of a



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10 vehicle used for the transport receives training in first aid and cardiopulmonary
11 resuscitation. **Section 1** also requires the carrier, person or entity to: (1) provide the
12 training in first aid and cardiopulmonary resuscitation or arrange for its provision
13 for the driver; (2) pay for the training; and (3) compensate each driver for the time
14 spent receiving the training. Existing law makes a violation of this requirement a
15 misdemeanor. (NRS 706.756) **Sections 2-5** of this bill make conforming changes.
16 **Section 6** of this bill provides that the provisions of this bill do not apply during the
17 current term of any employment agreement between the motor carrier, person or
18 entity and the employee drivers of the motor carrier, person or entity entered into
19 before the effective date of this bill, but do apply to any extension or renewal of
20 such an agreement and to any such agreement entered into on or after the effective
21 date of this bill.

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 *1. A common motor carrier of passengers, contract motor*
4 *carrier of passengers or other person or entity providing a means*
5 *of public conveyance and transportation operating within this*
6 *State 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 *(a) Each vehicle used for the transport is equipped with a first-*
11 *aid kit; and*

12 *(b) 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 *(1) First aid; and*

19 *(2) Cardiopulmonary resuscitation.*

20 *2. A common motor carrier of passengers, contract motor*
21 *carrier of passengers or other person or entity who employs a*
22 *driver required to receive the training required pursuant to*
23 *paragraph (b) of subsection 1 must:*

24 *(a) Provide the training or arrange for its provision for the*
25 *driver;*

26 *(b) Pay for the training; and*

27 *(c) Compensate each driver who receives the training at his or*
28 *her regular rate of pay for the time the driver spent attending the*
29 *training.*



1 **Sec. 2.** NRS 706.011 is hereby amended to read as follows:
2 706.011 As used in NRS 706.011 to 706.791, inclusive, *and*
3 *section 1 of this act*, unless the context otherwise requires, the
4 words and terms defined in NRS 706.013 to 706.146, inclusive,
5 have the meanings ascribed to them in those sections.

6 **Sec. 3.** NRS 706.156 is hereby amended to read as follows:
7 706.156 1. All common and contract motor carriers and
8 brokers are hereby declared to be, to the extent provided in this
9 chapter:

- 10 (a) Affected with a public interest; and
11 (b) Subject to NRS 706.011 to 706.791, inclusive **H**, *and*
12 *section 1 of this act*.

13 2. A purchaser or broker of transportation services which are
14 provided by a common motor carrier who holds a certificate of
15 public convenience and necessity may resell those services, in
16 combination with other services and facilities that are not related to
17 transportation, but only in a manner complying with the scope of
18 authority set forth in the certificate of the common motor carrier.
19 The Authority shall not prohibit or restrict such a purchaser or
20 broker from reselling those transportation services to any person
21 based upon that person's affiliation, or lack of affiliation, with any
22 group.

23 **Sec. 4.** NRS 706.745 is hereby amended to read as follows:
24 706.745 1. The provisions of NRS 706.386 and 706.421 do
25 not apply to:

- 26 (a) Ambulances;
27 (b) Hearses; or
28 (c) Common motor carriers or contract motor carriers that are
29 providing transportation services pursuant to a contract with the
30 Department of Health and Human Services entered into pursuant to
31 NRS 422.27495.

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

- 37 (a) Regular routes and fixed schedules;
38 (b) Nonemergency medical transportation of persons to facilitate
39 their participation in jobs and day training services as defined in
40 NRS 435.176 if the transportation is available upon request and
41 without regard to regular routes or fixed schedules;
42 (c) Nonmedical transportation of persons with disabilities
43 without regard to regular routes or fixed schedules; or
44 (d) In a county whose population is less than 100,000 or an
45 incorporated city within such a county, nonmedical transportation of



1 persons if the transportation is available by reservation 1 day in
2 advance of the transportation and without regard to regular routes or
3 fixed schedules.

4 3. Under any agreement for a system of public transit that
5 provides for the transportation of passengers that is described in
6 subsection 2:

7 (a) The public entity shall provide for any required safety
8 inspections; or

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

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

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

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

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

21 (2) ~~shall~~ *Except as otherwise provided in section 1 of this*
22 *act, shall* not offer medical assistance as part of its transportation
23 service.

24 5. In a county whose population:

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

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

35 (1) Only if the nonprofit carrier:

36 (I) Does not charge for transportation services;

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

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

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



1 6. An incorporated city, county or regional transportation
2 commission is not required to obtain a certificate of public
3 convenience and necessity to operate a system of public
4 transportation.

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

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

12 (b) Although there are other common motor carriers of
13 passengers who are authorized to provide such services in the area,
14 the common motor carriers of passengers do not wish to provide, or
15 are not capable of providing, such services.

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

17 706.756 1. Except as otherwise provided in subsection 2, any
18 person who:

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

23 (b) Fails to make any return or report required by the provisions
24 of NRS 706.011 to 706.861, inclusive, *and section 1 of this act* or
25 by the Authority or the Department pursuant to the provisions of
26 NRS 706.011 to 706.861, inclusive ~~§~~, *and section 1 of this act*;

27 (c) Violates, or procures, aids or abets the violating of, any
28 provision of NRS 706.011 to 706.861, inclusive ~~§~~, *and section 1*
29 *of this act*;

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

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

34 (f) Advertises, solicits, proffers bids or otherwise is held out to
35 perform transportation as a common or contract carrier in violation
36 of any of the provisions of NRS 706.011 to 706.861, inclusive ~~§~~,
37 *and section 1 of this act*;

38 (g) Advertises as providing:

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

40 (2) Towing services,

41 ↪ without including the number of the person's certificate of public
42 convenience and necessity or contract carrier's permit in each
43 advertisement;



1 (h) Knowingly offers, gives, solicits or accepts any rebate,
2 concession or discrimination in violation of the provisions of this
3 chapter;

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

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

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

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

14 (m) Refuses or fails to surrender to the Authority or Department
15 any certificate, permit, license or identifying device which has been
16 suspended, cancelled or revoked pursuant to the provisions of this
17 chapter,

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

22 2. Any person who, in violation of the provisions of NRS
23 706.386, operates as a fully regulated common motor carrier without
24 first obtaining a certificate of public convenience and necessity or
25 any person who, in violation of the provisions of NRS 706.421,
26 operates as a contract motor carrier without first obtaining a permit
27 is guilty of a misdemeanor and shall be punished:

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

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

38 3. Any person who, in violation of the provisions of NRS
39 706.386, operates or permits the operation of a vehicle in passenger
40 service without first obtaining a certificate of public convenience
41 and necessity is guilty of a gross misdemeanor.

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



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

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

5 **Sec. 6.** The amendatory provisions of this act:

6 1. Do not apply during the current term of any employment
7 agreement entered into before the effective date of this act between
8 a motor carrier, person or other entity subject to the amendatory
9 provisions of section 1 of this act and drivers who are employees of
10 the motor carrier, person or other entity; and

11 2. Apply to any extension or renewal of such an agreement and
12 to any such agreement entered into on or after the effective date of
13 this act.

14 **Sec. 7.** The provisions of NRS 354.599 do not apply to any
15 additional expenses of a local government that are related to the
16 provisions of this act.

17 **Sec. 8.** This act becomes effective upon passage and approval.

