

ASSEMBLY BILL NO. 446—ASSEMBLYMEMBER CARTER

MARCH 17, 2025

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to transportation. (BDR 58-207)

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.

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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 transportation; prohibiting trains of a certain length from being run on certain railroads; requiring certain railroads to install certain safety equipment; requiring certain railroad companies to take or refrain from taking certain actions relating to railroad safety; establishing requirements for lighting equipment installed in certain railroad yards; requiring certain reports; providing for the monitoring and inspection of railroads by certain union representatives; prescribing certain requirements relating to the transportation of railroad employees by railroad contract carriers; limiting the hours drivers employed by railroad contract carriers may work; providing for the maintenance and inspection of certain records; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law establishes provisions governing the operation of railroads in this  
2 State. (Chapter 705 of NRS) **Section 2** of this bill prohibits a Class I or Class II  
3 railroad operating in this State from operating, running or allowing to be run on  
4 certain railroad tracks a freight or work train that is more than 7,500 feet long.  
5 **Section 2** also requires a Class I or Class II railroad operating in this State to: (1)  
6 install and periodically inspect a hot box detector every 20 miles along certain  
7 railroad tracks in this State; and (2) cut, separate or move a train, rolling stock or  
8 other on-track equipment that has come to a complete stop and is blocking a  
9 railroad grade crossing, if an authorized emergency vehicle is approaching  
10 the crossing, with certain exceptions. **Section 3** of this bill prohibits a Class I or



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11 Class II railroad operating in this State from placing or causing to be placed certain  
12 material, debris and other objects that could pose a safety hazard to employees of  
13 the railroad within a certain area surrounding railroad tracks.

14 **Section 4** of this bill requires Class I or Class II railroads that operate a railroad  
15 yard where rail cars or locomotives are frequently switched, repaired or inspected at  
16 night or where trains are frequently assembled or disassembled at night to: (1)  
17 maintain the lighting equipment installed in such railroad yards in good and  
18 working order; and (2) repair or replace malfunctioning lighting equipment within  
19 48 hours after receiving a report of a malfunction of the equipment. **Section 4**  
20 establishes certain minimum standards for lighting equipment installed in a railroad  
21 yard where rail cars or locomotives carrying hazardous materials are frequently  
22 switched, repaired or inspected at night or where certain trains carrying such  
23 materials are frequently assembled or disassembled at night. **Section 4** additionally  
24 requires Class I or Class II railroads and the union representatives of the employees  
25 of each railroad yard of such railroads to annually compile and transmit to the  
26 Public Utilities Commission of Nevada certain reports relating to the maintenance  
27 and operation of the lighting equipment installed in the railroad yards operated by  
28 the railroad.

29 **Section 5** of this bill requires a railroad company owning or operating any  
30 railroad in this State to authorize a representative of a union that represents the  
31 employees of the railroad to monitor the safety practices of the railroad. **Section 5**  
32 requires a railroad to authorize the representative of such a union to access the  
33 property of the railroad to conduct certain inspections and other activities to  
34 monitor the safety practices of the railroad. **Section 5** also requires a railroad to  
35 notify the Commission and certain union officials upon the occurrence of any  
36 derailment, collision or other incident involving a train, rail car, locomotive or other  
37 equipment owned or operated by the railroad or operated on the railroad tracks  
38 owned or operated by the railroad.

39 **Section 6** of this bill requires each Class I or Class II railroad operating in this  
40 State to provide a bond to the Commission in an amount of not less than \$5,000,000  
41 to ensure the compliance of the railroad with the provisions of **sections 2-5**.  
42 **Section 6** also provides that a railroad that violates the provisions of **sections 2-5** is  
43 subject to certain civil penalties. **Sections 1.5 and 1.7** of this bill define the terms  
44 "Class I railroad" and "Class II railroad," respectively, and **section 1.3** of this bill  
45 establishes the applicability of those definitions to **sections 1.3-6**.

46 Existing law requires an operator of a motor vehicle that transports passengers  
47 for compensation pursuant to a contract with one or more customers to obtain a  
48 permit from the Nevada Transportation Authority as a contract motor carrier.  
49 Existing law subjects each contract motor carrier to certain regulations and  
50 requirements. (Chapter 706 of NRS) **Sections 9-20** of this bill prescribe additional  
51 requirements for railroad contract carriers, which are contract motor carriers that  
52 specifically transport, for compensation and within this State, employees of a  
53 railroad. **Section 15** limits, with certain exceptions, the number of hours that a  
54 railroad contract carrier can require or allow a driver employed by the carrier to  
55 drive or otherwise be on duty for the carrier. **Section 15** requires a railroad contract  
56 carrier to require that each driver maintains accurate time records on a daily basis.  
57 **Section 15** requires each railroad contract carrier to collect and retain records for  
58 each driver for a period of not less than 1 year. **Section 16** prohibits a railroad  
59 contract carrier from employing a driver who has twice been convicted of certain  
60 traffic offenses within a 3-year period or has ever had his or her driving privileges  
61 suspended or revoked due to a conviction of certain traffic offenses. **Section 16**  
62 also requires a railroad contract carrier to maintain for each driver employed by the  
63 carrier certain information relating to the driving ability and safety record of the  
64 driver. **Section 17** prohibits a person from acting as a driver for a railroad contract  
65 carrier unless the person submits to testing for alcohol and controlled substances.



66 **Section 17** also requires a railroad contract carrier to test a driver involved in a  
67 crash involving certain injuries for alcohol and controlled substances as soon as  
68 practicable after the crash. **Section 17** requires a railroad contract carrier to transmit  
69 the results of any post-crash testing of a driver to the Authority. **Section 18** requires  
70 a railroad contract carrier to annually inspect each transport vehicle operated by the  
71 carrier. **Section 18** further requires a railroad contract carrier to adopt a vehicle  
72 safety and maintenance policy, which must provide for the weekly inspection of  
73 parts and accessories of each transport vehicle. **Section 18** requires each transport  
74 vehicle operated by a railroad contract carrier to be equipped with certain  
75 equipment and safety features.

76 Existing law requires motor carriers regulated by the Authority to maintain a  
77 liability insurance policy in such amounts as the Authority may designate. (NRS  
78 706.291) **Section 19** instead requires each railroad contract carrier to maintain a  
79 certain minimum amount of liability coverage and uninsured and underinsured  
80 vehicle coverage. **Section 25** of this bill clarifies that the insurance requirements of  
81 **section 19** apply only to railroad contract carriers and not to other contract motor  
82 carriers, which are still required to maintain the minimum amount of coverage  
83 prescribed by the Authority. Additionally, **section 20** requires a railroad contract  
84 carrier to provide a bond to the Authority in an amount of not less than \$5,000,000  
85 to ensure the compliance of the railroad contract carrier with the provisions of  
86 **sections 8-20**.

87 Existing law declares all contract motor carriers to be affected with a public  
88 interest and subject to the permitting, regulatory and enforcement authority of the  
89 Authority. (NRS 706.156) **Section 22** of this bill requires a railroad contract carrier  
90 to comply with the provisions of **sections 8-20** in the same manner as the carrier is  
91 required to comply with other requirements and regulations applicable to contract  
92 motor carriers generally. **Sections 26-30** of this bill provide for the enforcement of  
93 **sections 8-20** by the Authority in the same manner as other provisions relating to  
94 motor carriers. **Section 23** of this bill clarifies that the requirements of **sections 8-**  
95 **20** are inapplicable to vehicles leased to or owned by certain governmental entities.  
96 **Section 24** of this bill requires a railroad contract carrier to display certain  
97 identifying information on each vehicle it operates. **Sections 9-14** define certain  
98 terms relating to railroad contract carriers and **section 8** establishes the applicability  
99 of those definitions. **Section 21** of this bill applies definitions in existing law  
100 relating to the regulation of motor carriers to **sections 8-20**.

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

1 **Section 1.** Chapter 705 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 1.3 to 6, inclusive, of this  
3 act.

4 **Sec. 1.3.** *As used in sections 1.3 to 6, inclusive, of this act,*  
5 *unless the context otherwise requires, the words and terms defined*  
6 *in sections 1.5 and 1.7 of this act have the meanings ascribed to*  
7 *them in those sections.*

8 **Sec. 1.5.** *“Class I railroad” has the meaning ascribed to it in*  
9 *40 C.F.R. § 1033.901.*

10 **Sec. 1.7.** *“Class II railroad” has the meaning ascribed to it*  
11 *in 40 C.F.R. § 1033.901.*



1     **Sec. 2. 1.** *A Class I or Class II railroad operating within*  
2 *this State shall not operate, run or permit to be run anywhere over*  
3 *a main line or branch line in this State any freight or work train*  
4 *that is more than 7,500 feet long. Each train operating or running*  
5 *in violation of this section constitutes a separate violation.*

6     **2.** *A Class I or Class II railroad operating within this State*  
7 *shall install and maintain a hot box detector not less than every 20*  
8 *miles along each main line in this State that is owned or operated*  
9 *by the railroad. A railroad that is required to install a hot box*  
10 *detector pursuant to this section shall inspect each such hot box*  
11 *detector installed by the railroad for defects not less than once*  
12 *every 30 days.*

13     **3.** *Except for a train, rolling stock or other on-track*  
14 *equipment that is stopped due to mechanical failure where*  
15 *separation or movement is not possible, a Class I or Class II*  
16 *railroad operating within this State shall, upon the approach of an*  
17 *authorized emergency vehicle, cut, separate or cause to be moved*  
18 *any train, rolling stock or other on-track equipment that has come*  
19 *to a complete stop and is blocking a railroad grade crossing.*

20     **4.** *As used in this section:*

21     **(a)** *“Authorized emergency vehicle” has the meaning ascribed*  
22 *to it in NRS 484A.020.*

23     **(b)** *“Branch line” means a secondary railroad track that*  
24 *branches off from a main line.*

25     **(c)** *“Hot box detector” means a device that utilizes infrared*  
26 *technology to measure the temperature of axles, bearings and the*  
27 *related equipment of a passing train, rolling stock or other on-*  
28 *track equipment in order to detect potential defects or abnormal*  
29 *temperatures of the measured equipment.*

30     **(d)** *“Main line” means:*

31     **(1)** *A segment or route of railroad tracks over which*  
32 *5,000,000 gross tons or more of freight railroad traffic is*  
33 *transported annually; and*

34     **(2)** *Such other tracks as the Public Utilities Commission of*  
35 *Nevada may prescribe by regulation.*

36     **(e)** *“Railroad grade crossing” means any intersection between*  
37 *a highway, as defined in NRS 706.081, and a railroad track.*

38     **Sec. 3. 1.** *A Class I or Class II railroad operating within*  
39 *this State shall not knowingly cause to be placed or permit to*  
40 *remain in the safe space of a railroad track any material or*  
41 *condition likely to endanger the safety of an employee, including,*  
42 *without limitation:*

43     **(a)** *Scrap iron;*

44     **(b)** *Lumber;*

45     **(c)** *Debris;*



1 (d) *Vegetation exceeding a height of 4 inches; or*

2 (e) *Marked unevenness of terrain.*

3 2. *As used in this section, "safe space" means the area whose*  
4 *dimensions include the entire length of any railroad track and:*

5 (a) *A height from actual grade level to 14 feet above the top of*  
6 *the rails of the track; and*

7 (b) *A width extending 8 feet perpendicularly, on both sides,*  
8 *from the center line of the track.*

9 **Sec. 4. 1.** *A Class I or Class II railroad that operates a*  
10 *railroad yard in this State where rail cars or locomotives are*  
11 *frequently switched, repaired or inspected at night or where trains*  
12 *are frequently assembled or disassembled at night shall submit to*  
13 *the Public Utilities Commission of Nevada, not later than*  
14 *January 15 of each year, a report that:*

15 (a) *Identifies each such railroad yard.*

16 (b) *For each railroad yard identified pursuant to*  
17 *paragraph (a):*

18 (1) *Describes the nature and placement of lighting*  
19 *equipment currently in use at the railroad yard; and*

20 (2) *Describes the practices of the railroad relating to*  
21 *maintenance and operation of the lighting equipment described in*  
22 *subparagraph (1).*

23 (c) *States for each railroad yard identified pursuant to*  
24 *paragraph (a) whether the lighting equipment in the railroad yard*  
25 *meets or exceeds the guidelines for illumination established by the*  
26 *American Railway Engineering and Maintenance-of-Way*  
27 *Association.*

28 (d) *States for each railroad yard identified pursuant to*  
29 *paragraph (a) whether the lighting equipment in the railroad yard*  
30 *is installed and operated in a manner consistent with:*

31 (1) *Conserving energy;*

32 (2) *Reducing glare;*

33 (3) *Minimizing light pollution; and*

34 (4) *Preserving the natural environment of the night.*

35 (e) *Contains either:*

36 (1) *A plan developed by the railroad for bringing into*  
37 *compliance any railroad yard identified by the railroad pursuant*  
38 *to paragraph (a) in which the lighting equipment:*

39 (I) *Does not meet or exceed the guidelines described in*  
40 *paragraph (c); or*

41 (II) *Is not operated in accordance with the objectives*  
42 *described in paragraph (d);*

43 (2) *A declaration that the lighting equipment in each*  
44 *railroad yard operated by the railroad meets or exceeds the*



1 *guidelines described in paragraph (c) and is operated in*  
2 *accordance with the objectives described in paragraph (d); or*

3 (3) *An explanation of why the guidelines and objectives*  
4 *described in paragraphs (c) and (d), respectively, should not apply*  
5 *to a railroad yard operated by the railroad, based on*  
6 *circumstances individually applicable to each applicable railroad*  
7 *yard.*

8 2. *A railroad that is required to submit a report pursuant to*  
9 *subsection 1 shall maintain all lighting equipment at each railroad*  
10 *yard operated by the railroad in good and working order.*

11 3. *If a railroad that is required to submit a report pursuant to*  
12 *subsection 1 receives a report from any person that any lighting*  
13 *equipment at a railroad yard is malfunctioning, the railroad shall*  
14 *repair or replace the malfunctioning equipment within 48 hours*  
15 *after receiving the report.*

16 4. *If any employees of a railroad yard operated by a railroad*  
17 *that is required to submit a report pursuant to subsection 1 have*  
18 *elected to be represented by a labor union, the representative of*  
19 *each union for the employees of each applicable railroad yard*  
20 *shall submit to the Public Utilities Commission of Nevada, not*  
21 *later than January 15 of each year, a report that:*

22 (a) *Describes the nature and placement of lighting equipment*  
23 *currently in use at the railroad yard and the maintenance status*  
24 *and operation of the lighting equipment;*

25 (b) *Describes the level of maintenance of the lighting*  
26 *equipment and the promptness of the railroad in responding to*  
27 *reports of malfunctions of the lighting equipment;*

28 (c) *States whether the available lighting at the railroad yard is*  
29 *adequate to provide adequate working conditions for employees*  
30 *working at night; and*

31 (d) *Describes any applicable changes in the lighting equipment*  
32 *and any observed changes in the maintenance and operation*  
33 *practices relating to the equipment that have occurred since the*  
34 *last time a report was submitted for a railroad yard pursuant to*  
35 *this section.*

36 5. *A Class I or Class II railroad that operates a railroad yard*  
37 *in this State where rail cars or locomotives that carry placarded*  
38 *hazardous materials are frequently switched, repaired or inspected*  
39 *at night or where trains with more than 25 tanker rail cars*  
40 *carrying placarded hazardous materials are frequently assembled*  
41 *or disassembled at night shall install and operate lighting*  
42 *equipment in each such railroad yard:*

43 (a) *That meets or exceeds the guidelines for illumination*  
44 *established by the American Railway Engineering and*  
45 *Maintenance-of-Way Association; and*



1 (b) *In a manner consistent with:*

2 (1) *Conserving energy;*

3 (2) *Reducing glare;*

4 (3) *Minimizing light pollution; and*

5 (4) *Preserving the natural environment of the night.*

6 6. *The Public Utilities Commission of Nevada shall:*

7 (a) *Review all reports submitted pursuant to subsections 1 and*  
8 *4 and investigate any discrepancies between a report submitted*  
9 *pursuant to subsection 1 and subsection 4 with respect to a*  
10 *particular railroad yard.*

11 (b) *Upon the conclusion of an investigation undertaken*  
12 *pursuant to paragraph (a), report the findings of the investigation*  
13 *to the railroad that operates the applicable railroad yard and the*  
14 *union representative for the employees of the railroad yard.*

15 (c) *On or before December 31 of each year, compile a report*  
16 *that contains:*

17 (1) *A summary of the reports received pursuant to this*  
18 *section during the immediately preceding year;*

19 (2) *The results of any investigation undertaken pursuant to*  
20 *paragraph (a) during the immediately preceding year;*

21 (3) *A summary of the progress achieved by railroads in this*  
22 *State with achieving the guidelines and objectives for lighting*  
23 *equipment in railroad yards described in paragraphs (c) and (d),*  
24 *respectively, of subsection 1; and*

25 (4) *Recommendations for legislation to improve safety in*  
26 *and around railroad yards at night, including, without limitation,*  
27 *additional standards and guidelines for lighting equipment*  
28 *installed in railroad yards.*

29 (d) *Transmit the report compiled pursuant to paragraph (c) to*  
30 *the Director of the Legislative Counsel Bureau for transmittal:*

31 (1) *In odd-numbered years, to the next regular session of*  
32 *the Legislature.*

33 (2) *In even-numbered years, to:*

34 (I) *The Joint Interim Standing Committee on Commerce*  
35 *and Labor; and*

36 (II) *The Joint Interim Standing Committee on Growth*  
37 *and Infrastructure.*

38 7. *The Public Utilities Commission of Nevada shall adopt*  
39 *regulations prescribing what constitutes "frequent" for the*  
40 *purposes of this section.*

41 **Sec. 5. 1.** *If the employees of a railroad company owning*  
42 *or operating a railroad in this State, or any particular subset of*  
43 *employees of the railroad company, have elected to be represented*  
44 *by a labor union, the railroad company shall authorize the*  
45 *designated representative of each such union to monitor the safety*



1 *practices and operations of the railroad. The railroad company*  
2 *shall authorize each designated representative of the union to:*

3 *(a) Carry out physical inspections of railroad property, when*  
4 *such inspections can be safely conducted;*

5 *(b) Take photographs of or on railroad property; and*

6 *(c) Conduct such other examinations of railroad property and*  
7 *interviews of employees of the railroad company who are*  
8 *represented by the union as may be necessary to:*

9 *(1) Ensure the compliance of the railroad with all*  
10 *applicable state and federal laws and regulations relating to the*  
11 *safety of employees of the railroad company; and*

12 *(2) Investigate a potential safety hazard that may result in*  
13 *injury or death to an employee of the railroad company*  
14 *represented by the union.*

15 *2. If a train, rail car, locomotive or other equipment owned or*  
16 *operated by a railroad company, or operating on tracks owned or*  
17 *operated by the railroad company, is involved in a derailment,*  
18 *collision, split switch, run-away equipment event, an unintended*  
19 *separation of equipment event or any other incident occurring*  
20 *outside of normal railroad operations, the railroad company*  
21 *owning or operating the applicable train, rail car, locomotive or*  
22 *other equipment shall:*

23 *(a) Report the incident to the Public Utilities Commission of*  
24 *Nevada within 30 days after the incident, regardless of whether*  
25 *the incident caused any property damage, and include within the*  
26 *report a copy of the investigation of the incident conducted by the*  
27 *railroad company, if applicable.*

28 *(b) Immediately report the incident to the designated*  
29 *representative of the union of each employee involved in the*  
30 *incident, and the local leader of each such union, as applicable,*  
31 *and authorize each representative of such a union and its local*  
32 *leader to conduct an investigation of the incident on behalf of the*  
33 *union in a manner consistent with subsection 1.*

34 **Sec. 6. 1. The Public Utilities Commission of Nevada shall**  
35 **require each Class I or Class II railroad operating within this**  
36 **State to provide a bond executed by the company, corporation or**  
37 **receiver, as applicable, as principal, and by a corporation qualified**  
38 **pursuant to the laws of this State as a surety, payable to the State**  
39 **of Nevada, and conditioned upon the faithful performance of all**  
40 **the requirements of sections 2 to 5, inclusive, of this act. The total**  
41 **amount of the bond must be not less than \$5,000,000.**

42 *2. A Class I or Class II railroad that violates any provision of*  
43 *sections 2 to 5, inclusive, of this act, is liable to the Public Utilities*  
44 *Commission of Nevada for a civil penalty of:*





1 (a) Not less than \$500, but not more than \$25,000 for each  
2 violation; or

3 (b) Not more than \$100,000 for each violation, if the Public  
4 Utilities Commission of Nevada first determines, after notice and  
5 an opportunity for a hearing in accordance with the provisions of  
6 NRS 703.320, that:

7 (1) The railroad committed the violation in a grossly  
8 negligent manner; or

9 (2) The violation is a part of a pattern of repeated  
10 violations.

11 **Sec. 7.** Chapter 706 of NRS is hereby amended by adding  
12 thereto the provisions set forth as sections 8 to 20, inclusive, of this  
13 act.

14 **Sec. 8.** As used in sections 8 to 20, inclusive, of this act, the  
15 words and terms defined in sections 9 to 14, inclusive, of this act  
16 have the meanings ascribed to them in those sections.

17 **Sec. 9.** "Drive time" means the length of time that a  
18 transport vehicle driver spends behind the wheel of a transport  
19 vehicle performing transportation assignments or driving to or  
20 from a transportation assignment.

21 **Sec. 10.** "Off-duty time" means a period of time that a  
22 transport vehicle driver is not on-duty, during which time the  
23 railroad contract carrier is unable to communicate with the  
24 transport vehicle driver in a manner that could disrupt the rest of  
25 the transport vehicle driver.

26 **Sec. 11.** "On-duty time" means all time from the time a  
27 transport vehicle driver begins to work or is required to be in  
28 readiness to work until the time the transport vehicle driver is  
29 relieved from work and all responsibility for performing work. The  
30 term includes, without limitation:

31 1. Time spent at the facility of the railroad contract carrier  
32 waiting to be dispatched for a transportation assignment;

33 2. Time spent inspecting, servicing or maintaining a transport  
34 vehicle;

35 3. Any time classified as drive time;

36 4. Any time required to be spent in a transport vehicle other  
37 than drive time;

38 5. Time spent supervising, assisting or attending the loading  
39 and unloading of passengers of a transport vehicle;

40 6. Time spent obtaining assistance for or safeguarding a  
41 disabled transport vehicle; and

42 7. Time spent providing a breath sample or urine sample,  
43 including travel time to and from the testing site, as required to  
44 comply with federal or state law, including the requirements of  
45 section 17 of this act.



1       **Sec. 12.** *“Railroad contract carrier” means a contract motor*  
2 *carrier engaged in intrastate transportation by transport vehicle of*  
3 *the employees of a railroad to or from a work assignment for*  
4 *compensation.*

5       **Sec. 13.** *“Transport vehicle” means a motor vehicle that:*  
6       1. *Has a seating capacity of 15 passengers or less; and*  
7       2. *Is used by a railroad contract carrier to transport*  
8 *employees of a railroad to or from a work assignment.*

9       **Sec. 14.** *“Transport vehicle driver” means a person who is*  
10 *employed by a railroad contract carrier to drive employees of a*  
11 *railroad to or from a work assignment using a transport vehicle.*

12       **Sec. 15.** 1. *A railroad contract carrier shall not allow or*  
13 *require a transport vehicle driver to accrue:*

14       (a) *Within any 24-hour period:*

15           (1) *Except as otherwise provided in subsection 2, more than*  
16 *10 hours of drive time following 8 consecutive hours of off-duty*  
17 *time.*

18           (2) *More than 15 hours of on-duty time since the transport*  
19 *vehicle driver last had 8 consecutive hours of off-duty time.*

20       (b) *More than 70 hours of total on-duty time in any period of 7*  
21 *consecutive days.*

22       2. *A railroad contract carrier may authorize a transport*  
23 *vehicle driver to accrue an additional 2 hours of drive time, in*  
24 *addition to the limit established pursuant to subparagraph (1) of*  
25 *paragraph (a) of subsection 1, if:*

26       (a) *The driver encounters an emergency during a*  
27 *transportation assignment and, because of the emergency, cannot*  
28 *safely complete the assignment within the 10 hours of drive time*  
29 *allowed pursuant to subparagraph (1) of paragraph (a) of*  
30 *subsection 1;*

31       (b) *The transportation assignment could have otherwise been*  
32 *completed within the drive time remaining for the driver in the 24-*  
33 *hour period, absent the emergency; and*

34       (c) *The additional drive time is used by the transport vehicle*  
35 *driver for the sole purpose of:*

36           (1) *Completing the transportation assignment, if the*  
37 *assignment can be completed within the additional hours of drive*  
38 *time authorized by this subsection; or*

39           (2) *Reaching a place or destination that offers safety for the*  
40 *occupants of the transport motor vehicle and security for the*  
41 *transport vehicle.*

42       3. *A railroad contract carrier shall require each transport*  
43 *vehicle driver employed by the carrier to keep and maintain*  
44 *accurate time records for each day that the transport vehicle driver*



1 *is on duty. The records kept by each transport vehicle driver must*  
2 *include, without limitation:*

3 (a) *The time that the transport vehicle driver reported for duty*  
4 *on that day;*

5 (b) *The total number of hours of on-duty time worked by the*  
6 *transport vehicle driver on that day;*

7 (c) *The time that the transport vehicle driver was released from*  
8 *duty on that day; and*

9 (d) *The total number of hours that the transport vehicle driver*  
10 *drove for the railroad contract carrier on that day.*

11 4. *A railroad contract carrier shall collect all of the records*  
12 *required to be kept and maintained by each transport vehicle*  
13 *driver pursuant to subsection 3 and shall retain each record*  
14 *collected from each driver for not less than 1 year from the date*  
15 *on which each record was compiled.*

16 **Sec. 16.** 1. *A railroad contract carrier shall not employ any*  
17 *person as a transport vehicle driver if:*

18 (a) *The driving privileges or driver's license of the person or*  
19 *driver's permit issued to the person pursuant to NRS 706.462 has*  
20 *ever been suspended or revoked by the Department, the Authority,*  
21 *or any department or regulatory body of any other state or*  
22 *territory of the United States based on a conviction of any offense*  
23 *described in paragraph (b).*

24 (b) *The person has been found to have committed two or more*  
25 *of the following offenses within a 3-year period in any state or*  
26 *territory of the United States:*

27 (1) *Any traffic offense relating to intoxication, including,*  
28 *without limitation, any violation of NRS 484C.110, 484C.120 and*  
29 *484C.130.*

30 (2) *Any traffic offense which specifically applies to*  
31 *commercial motor vehicles.*

32 (3) *Any seat belt violation, including, without limitation, a*  
33 *violation of NRS 484D.495.*

34 (4) *Driving 15 miles per hour or more over the speed limit.*

35 (5) *Vehicular manslaughter pursuant to NRS 484B.657, a*  
36 *violation of subsection 9 of NRS 484B.653 or a similar offense,*  
37 *the elements of which involve the death of a person caused by the*  
38 *negligent or grossly negligent operation of a motor vehicle.*

39 (6) *Using a vehicle to commit a felony.*

40 (7) *Any offense involving the failure to maintain the*  
41 *requisite minimum amount of insurance or financial*  
42 *responsibility as required by law or the failure to maintain proof*  
43 *of such financial responsibility, including, without limitation, a*  
44 *violation of NRS 485.187.*



1 (8) Any offense involving a breach of a duty or  
2 responsibility under law to stop and remain at the scene of a  
3 crash, including, without limitation, a violation of NRS 484E.010,  
4 484E.020 or 484E.030.

5 (9) Fleeing and attempting to elude law enforcement  
6 through the use of a vehicle, including, without limitation, a  
7 violation of NRS 484B.550.

8 (10) Reckless or aggressive driving, including, without  
9 limitation, a violation of NRS 484B.650 or 484B.653.

10 (11) Unlawfully passing a school bus, including, without  
11 limitation, a violation of NRS 484B.353.

12 (12) Failure to obey an official traffic control device,  
13 including, without limitation, a violation of NRS 484B.300.

14 (13) Failure to stop at a railroad grade crossing or obey a  
15 traffic-control device for railroad crossings, including, without  
16 limitation, a violation of NRS 484B.553 or 484B.557.

17 (14) Driving without a valid driver's license or driving with  
18 a cancelled, suspended or revoked driver's license, including,  
19 without limitation, a violation of NRS 483.550 or 483.560.

20 (15) Driving the wrong way down a one-way street or  
21 driving the wrong way on a divided highway, including, without  
22 limitation, a violation of NRS 484B.220 or 484B.227.

23 2. A railroad contract carrier shall maintain a file of records  
24 for each transport vehicle driver that the railroad contract carrier  
25 employs. The file must include, without limitation:

26 (a) A copy of a medical examiner's certificate issued to the  
27 driver within the last 2 years by a medical examiner licensed in  
28 this State which states that the driver meets the health  
29 requirements established by the Federal Motor Carrier Safety  
30 Regulations, 49 C.F.R. §§ 391.41 et seq.

31 (b) Documentation that confirms that the railroad contract  
32 carrier has obtained a copy of the driving record of the transport  
33 vehicle driver at least once each year that the transport vehicle  
34 driver is employed by the railroad contract carrier.

35 (c) Documents and records relating to the driving record and  
36 history of the transport vehicle driver, including, without  
37 limitation, records of any citations issued to the driver or  
38 convictions of the driver for a violation of the motor vehicle laws  
39 or ordinances of any jurisdiction.

40 (d) Documents not described in paragraph (b) or (c) that  
41 otherwise relate to the qualification or ability of the transport  
42 vehicle driver to drive a motor vehicle, including, without  
43 limitation, records of any complaints made against the transport  
44 vehicle driver through a hotline maintained by the railroad



1 *contract carrier to receive feedback on the driving of transport*  
2 *vehicle drivers.*

3 *(e) The application for employment submitted by the transport*  
4 *vehicle driver, which must conform with the requirements of 49*  
5 *C.F.R. § 391.21(b).*

6 *(f) Responses or documentation received by the railroad*  
7 *contract carrier from the previous employer of the transport*  
8 *vehicle driver relating to the safety record of the transport vehicle*  
9 *driver.*

10 *3. As used in this section, "medical examiner" has the*  
11 *meaning ascribed to it in NRS 706.8842.*

12 **Sec. 17. 1.** *A railroad contract carrier shall not permit a*  
13 *person to perform the duties of a transport vehicle driver unless*  
14 *the person has undergone testing for alcohol or controlled*  
15 *substances in a manner consistent with the provisions of 49 C.F.R.*  
16 *Parts 40 and 382. A person may perform the duties of a transport*  
17 *vehicle driver if the testing of the person indicates:*

18 *(a) A blood alcohol concentration of zero; and*

19 *(b) A negative test result for the presence of controlled*  
20 *substances.*

21 *2. A railroad contract carrier shall not permit a person to*  
22 *perform, and a person shall not perform, the duties of a transport*  
23 *vehicle driver if:*

24 *(a) The results of the testing of the person for alcohol and*  
25 *controlled substances are not in compliance with subsection 1;*

26 *(b) The person refuses to agree to testing or refuses to submit a*  
27 *specimen for an alcohol test or controlled substances test; or*

28 *(c) The person submits an adulterated specimen, a dilute*  
29 *positive specimen or a substituted specimen for an alcohol test or a*  
30 *controlled substances test.*

31 *3. As soon as practicable after an accident occurs, during a*  
32 *transportation assignment, involving a motor vehicle owned or*  
33 *operated by a railroad contract carrier, the railroad contract*  
34 *carrier shall test each surviving transport vehicle driver for*  
35 *alcohol or controlled substances, in a manner consistent with the*  
36 *provisions of 49 C.F.R. Parts 40 and 382, if:*

37 *(a) The accident involved the loss of human life.*

38 *(b) The transport vehicle driver received a moving violation*  
39 *citation or civil infraction citation arising from or relating to the*  
40 *accident and the accident additionally resulted in:*

41 *(1) Bodily injury to a person who received medical attention*  
42 *for that injury at the scene of the accident or immediately after*  
43 *leaving the scene of the accident; or*



1 (2) *One or more vehicles involved in the accident being*  
2 *rendered disabled or immovable due to damages sustained in the*  
3 *accident.*

4 4. *If the railroad contract carrier is unable to conduct the*  
5 *testing required pursuant to subsection 3 immediately following*  
6 *the accident, the railroad contract carrier shall conduct the*  
7 *testing:*

8 (a) *For alcohol, within 8 hours after the accident.*

9 (b) *For controlled substances, within 32 hours after the*  
10 *accident.*

11 5. *A railroad contract carrier shall transmit to the Authority*  
12 *the results of any testing required to be conducted pursuant to*  
13 *subsection 3.*

14 6. *A railroad contract carrier shall maintain any record*  
15 *relating to the testing of a person for alcohol and controlled*  
16 *substances pursuant to this section for a period of not less than 5*  
17 *years after the record is compiled or generated. All records that*  
18 *are required to be maintained by this section must be maintained*  
19 *in a safe and secure location.*

20 **Sec. 18. 1.** *A railroad contract carrier shall inspect each*  
21 *transport vehicle, and the components thereof at least once every*  
22 *12 months in a manner that conforms with the requirements of 49*  
23 *C.F.R. § 396.17 and Appendix A to that part. Each inspection*  
24 *conducted pursuant to this subsection must be completed by a*  
25 *person who is qualified under the provisions of 49 C.F.R. § 396.19*  
26 *to conduct inspections of vehicles.*

27 2. *A railroad contract carrier shall require each transport*  
28 *vehicle driver to complete a written inspection report on each day*  
29 *that the transport vehicle driver is on duty, in a manner consistent*  
30 *with the provisions of 49 C.F.R. § 396.11, before the transport*  
31 *vehicle driver is released from duty for the day.*

32 3. *A railroad contract carrier shall adopt a policy to ensure*  
33 *the safety and maintenance of transport vehicles and the parts,*  
34 *accessories and other equipment thereof. The policy must:*

35 (a) *Require that all parts and accessories stored in, installed*  
36 *on or equipped with each transport vehicle be inspected for safety*  
37 *and proper operation at least once a week;*

38 (b) *Ensure that each transport vehicle owned or operated by*  
39 *the railroad contract carrier is equipped with:*

40 (1) *Tires with sufficient tread in accordance with 49 C.F.R.*  
41 *§ 393.75.*

42 (2) *A spare tire that is fully inflated.*

43 (3) *A secured location for baggage and personal items,*  
44 *including proper restraints.*

45 (4) *Fully operational seatbelts for all passenger seats.*



1           (5) *If the transport vehicle is expected to be driven through*  
2 *inclement weather conditions requiring specialized equipment,*  
3 *traction devices, studs or chains necessary to drive safely in such*  
4 *conditions.*

5           (6) *A heater in working condition and an air conditioner in*  
6 *working condition, including properly working fans.*

7           (7) *A kit for emergencies that contains, without limitation:*

8           (I) *An aerosol can or similar device that is capable of*  
9 *inflating a tire;*

10          (II) *Flares or reflective triangles;*

11          (III) *Jumper cables; and*

12          (IV) *A readily accessible first aid kit that contains, at a*  
13 *minimum, the contents and articles described in the most recent*  
14 *American National Standard (ANSI) Z308.1-1998, entitled*  
15 *“Minimum Requirements for Workplace First-aid Kits” or, any*  
16 *successor standard described in 29 C.F.R. § 1910.151 and*  
17 *Appendix A to that section.*

18          (8) *An operable amber light or strobe light that is placed on*  
19 *the roof of the rear one-third portion of the vehicle and that is*  
20 *capable of providing adequate light to other motorists if the*  
21 *vehicle is stalled, slowed or stopped in or otherwise obstructing the*  
22 *roadway.*

23          (9) *A windshield, windshield wipers, tail lamps and a*  
24 *headlamp that comply with the requirements of NRS 705.380.*

25          (c) *Require that each transport vehicle be maintained in a*  
26 *condition and operated in a manner that is not likely to be*  
27 *hazardous or cause a mechanical breakdown pursuant to*  
28 *NRS 706.246.*

29          (d) *Provide that the railroad contract carrier will adequately*  
30 *maintain records for each transport vehicle, including, without*  
31 *limitation:*

32          (1) *Records containing the vehicle identification number,*  
33 *make, model, year of manufacture and manufacturer of each*  
34 *transport vehicle;*

35          (2) *Records containing the information about the owner of*  
36 *each transport vehicle, if the railroad contract carrier is not the*  
37 *owner of the transport vehicle; and*

38          (3) *Detailed records evidencing all maintenance, servicing*  
39 *or repair performed on each transport vehicle, which must include*  
40 *a description of the specific maintenance, service or repair tasks*  
41 *performed on the transport vehicle and the date on which the*  
42 *maintenance, service or repair task was performed.*

43          4. *A railroad contract carrier shall ensure that each of its*  
44 *transport vehicle drivers, officers, agents and employees whose*  
45 *duties or responsibilities are related to inspecting and maintaining*





1 *transport vehicles comply with and are knowledgeable of the*  
2 *policy adopted by the railroad contract carrier pursuant to*  
3 *subsection 3.*

4 *5. A railroad contract carrier shall be deemed to have*  
5 *committed a violation of this section if the railroad contract*  
6 *carrier operates a transport vehicle on any public road or highway*  
7 *in this State that does not comply with the requirements*  
8 *established pursuant to paragraph (b) of subsection 3.*

9 *6. A railroad contract carrier shall maintain all records*  
10 *required to be maintained pursuant to paragraph (d) of subsection*  
11 *3 at the principal place of business of the railroad contract carrier*  
12 *for not less than 1 year after each record is compiled or generated,*  
13 *unless the record pertains to a transport vehicle that is no longer*  
14 *in the control of the railroad contract carrier, in which case, the*  
15 *record must be maintained for not less than 6 months after the*  
16 *record is compiled or generated.*

17 **Sec. 19.** *A railroad contract carrier shall ensure that, while*  
18 *the railroad contract carrier operates any transport vehicle within*  
19 *this State, the railroad contract carrier and driver of each such*  
20 *transport vehicle is covered by a policy of insurance issued by an*  
21 *insurance company licensed by the Division of Insurance of the*  
22 *Department of Business and Industry and approved to do business*  
23 *in this State that includes:*

24 *1. Coverage for the payment of tort liabilities arising from the*  
25 *maintenance or use of the transport vehicle in the amount of:*

26 *(a) Not less than \$2,000,000 for bodily injury to or death of*  
27 *one person in any one crash;*

28 *(b) Not less than \$5,000,000 for bodily injury to or death of*  
29 *two or more persons in any one crash, subject to the limit for one*  
30 *person; and*

31 *(c) Not less than \$1,000,000 for injury to or destruction of*  
32 *property of others in any one crash; and*

33 *2. Uninsured and underinsured motorist coverage in an*  
34 *amount not less than the limits of coverage for bodily injury*  
35 *maintained by the railroad contract carrier pursuant to*  
36 *subsection 1.*

37 **Sec. 20.** *1. The Authority shall require a railroad contract*  
38 *carrier to provide a bond executed by the railroad contract carrier*  
39 *as principal, and by a corporation qualified pursuant to the laws*  
40 *of this State as a surety, payable to the State of Nevada, and*  
41 *conditioned upon the faithful performance of all the requirements*  
42 *of sections 8 to 20, inclusive, of this act. The total amount of the*  
43 *bond must be not less than \$5,000,000.*

44 *2. The Department of Motor Vehicles, the Department of*  
45 *Public Safety, the Authority and any member, officer, employee or*





1 *other designee of the Authority may, pursuant to subsection 1 of*  
2 *NRS 706.171 and NRS 706.172, inspect any document or record*  
3 *required to be maintained pursuant to sections 8 to 20, inclusive,*  
4 *of this act, and such records shall be deemed to contain*  
5 *information relating to a matter of public safety.*

6 3. *The provisions of sections 8 to 20, inclusive, of this act:*

7 (a) *Shall be construed to be minimum standards; and*

8 (b) *Shall not be construed to supersede or abrogate any law,*  
9 *rule or regulation that imposes stricter standards or regulations*  
10 *upon a railroad contract carrier.*

11 **Sec. 21.** NRS 706.011 is hereby amended to read as follows:

12 706.011 As used in NRS 706.011 to 706.791, inclusive, *and*  
13 *sections 8 to 20, inclusive, of this act*, unless the context otherwise  
14 requires, the words and terms defined in NRS 706.013 to 706.146,  
15 inclusive, have the meanings ascribed to them in those sections.

16 **Sec. 22.** NRS 706.156 is hereby amended to read as follows:

17 706.156 1. All common and contract motor carriers and  
18 brokers are hereby declared to be, to the extent provided in this  
19 chapter:

20 (a) Affected with a public interest; and

21 (b) Subject to NRS 706.011 to 706.791, inclusive **[H]**, *and*  
22 *sections 8 to 20, inclusive, of this act.*

23 2. A purchaser or broker of transportation services which are  
24 provided by a common motor carrier who holds a certificate of  
25 public convenience and necessity may resell those services, in  
26 combination with other services and facilities that are not related to  
27 transportation, but only in a manner complying with the scope of  
28 authority set forth in the certificate of the common motor carrier.  
29 The Authority shall not prohibit or restrict such a purchaser or  
30 broker from reselling those transportation services to any person  
31 based upon that person's affiliation, or lack of affiliation, with any  
32 group.

33 **Sec. 23.** NRS 706.163 is hereby amended to read as follows:

34 706.163 The provisions of NRS 706.011 to 706.861, inclusive,  
35 *and sections 8 to 20, inclusive, of this act* do not apply to vehicles  
36 leased to or owned by:

37 1. The Federal Government or any instrumentality thereof.

38 2. Any state or a political subdivision thereof.

39 **Sec. 24.** NRS 706.281 is hereby amended to read as follows:

40 706.281 1. In addition to any identifying device provided for  
41 in this chapter, each motor vehicle within the provisions of NRS  
42 706.011 to 706.791, inclusive, *and sections 8 to 20, inclusive, of*  
43 *this act* must have the name of the operator operating the vehicle  
44 displayed on the vehicle in such location, size and style as may be  
45 specified by the Authority. The display shall not be deemed



1 advertising for the purposes of NRS 706.285 unless additional  
2 information about the operator is included.

3 2. This section does not apply to motor vehicles:

4 (a) Weighing 10,000 pounds or less operated by private carriers  
5 and not operated in combination with any other vehicle.

6 (b) Operated by an employer for the transportation of the  
7 employees of that employer, whether or not the employees pay for  
8 the transportation.

9 **Sec. 25.** NRS 706.291 is hereby amended to read as follows:

10 706.291 1. ~~[[The]~~ *Except as otherwise provided in section 19*  
11 *of this act, the* Authority shall require every fully regulated carrier  
12 and every operator of a tow car, within such time and in such  
13 amounts as the Authority may designate, to file with the Authority  
14 in a form required and approved by the Authority a liability  
15 insurance policy, or a certificate of insurance in lieu thereof, or a  
16 bond of a surety company, or other surety, in such reasonable sum  
17 as the Authority may deem necessary to protect adequately the  
18 interests of the public.

19 2. The Department shall require every other common and  
20 contract motor carrier and every private carrier, within such time  
21 and in such amounts as the Department may designate, to file with  
22 the Department in a form required and approved by the Department  
23 a liability insurance policy, or a certificate of insurance in lieu  
24 thereof, a bond of a surety company, or other surety, in such  
25 reasonable sum as the Department may deem necessary to protect  
26 adequately the interests of the public. In determining the amount of  
27 liability insurance or other surety required of a carrier pursuant to  
28 this subsection, the Department shall create a separate category for  
29 vehicles with a manufacturer's gross vehicle weight rating of less  
30 than 26,000 pounds and impose a lesser requirement with respect to  
31 such vehicles.

32 3. The liability insurance policy or certificate, policy or bond  
33 of a surety company or other surety must bind the obligors  
34 thereunder to pay the compensation for injuries to persons or for  
35 loss or damage to property resulting from the negligent operation of  
36 the carrier.

37 4. The Authority and the Department may jointly prescribe by  
38 regulation the respective amounts and forms required by subsections  
39 1 and 2.

40 **Sec. 26.** NRS 706.321 is hereby amended to read as follows:

41 706.321 1. Except as otherwise provided in subsection 2,  
42 every common or contract motor carrier shall file with the  
43 Authority:

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



1 (1) Be open to public inspection; and  
2 (2) Include all rates, fares and charges which the carrier has  
3 established and which are in force at the time of filing for any  
4 service performed in connection therewith by any carrier controlled  
5 and operated by it.

6 (b) As a part of that schedule, all regulations of the carrier that  
7 in any manner affect the rates or fares charged or to be charged for  
8 any service and all regulations of the carrier that the carrier has  
9 adopted to comply with the provisions of NRS 706.011 to 706.791,  
10 inclusive **[H]**, *and sections 8 to 20, inclusive, of this act.*

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

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

14 (1) Be open to public inspection; and

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

19 (b) As a part of that schedule, all regulations of the operator of  
20 the tow car which in any manner affect the rates charged or to be  
21 charged for towing services performed without the prior consent of  
22 the owner of the vehicle or the person authorized by the owner to  
23 operate the vehicle and all regulations of the operator of the tow car  
24 that the operator has adopted to comply with the provisions of NRS  
25 706.011 to 706.791, inclusive **[H]**, *and sections 8 to 20, inclusive, of*  
26 *this act.*

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

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

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



1 6. All rates, fares, charges, classifications and joint rates,  
2 regulations, practices and services fixed by the Authority are in  
3 force, and are prima facie lawful, from the date of the order until  
4 changed or modified by the Authority.

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

10 **Sec. 27.** NRS 706.431 is hereby amended to read as follows:

11 706.431 1. A permit may be issued to any applicant therefor,  
12 authorizing in whole or in part the operation covered by the  
13 application, if it appears from the application or from any hearing  
14 held thereon that:

15 (a) The applicant is fit, willing and able properly to perform the  
16 service of a contract motor carrier and to conform to all provisions  
17 of NRS 706.011 to 706.791, inclusive, *and sections 8 to 20,*  
18 *inclusive, of this act* and the regulations adopted thereunder; and

19 (b) The proposed operation will be consistent with the public  
20 interest and will not operate to defeat the legislative policy set forth  
21 in NRS 706.151.

22 2. If the Authority proceeds with a hearing on an application  
23 for a permit, the Authority shall fix a time and place for the hearing.

24 3. The Authority may dispense with the hearing, if any, on the  
25 application if, upon the expiration of the time fixed in the notice  
26 thereof, no petition to intervene has been filed on behalf of any  
27 person who has filed a protest against the granting of the permit.

28 4. An application must be denied if the provisions of  
29 subsection 1 are not met.

30 5. The Authority shall revoke or suspend pursuant to the  
31 provisions of this chapter the permit of a contract motor carrier who  
32 has failed to file the annual report required in NRS 706.167 within  
33 60 days after the report is due.

34 6. The Authority shall adopt regulations providing for a  
35 procedure by which any contract entered into by a contract motor  
36 carrier after the contract motor carrier has been issued a permit  
37 pursuant to this section may be approved by the Authority without  
38 giving notice required by statute or by a regulation of the Authority.

39 **Sec. 28.** NRS 706.461 is hereby amended to read as follows:

40 706.461 When:

41 1. A complaint has been filed with the Authority alleging that  
42 any vehicle is being operated without a certificate of public  
43 convenience and necessity or contract carrier's permit as required by  
44 NRS 706.011 to 706.791, inclusive **[§]**, *and sections 8 to 20,*  
45 *inclusive, of this act;* or



2. The Authority has reason to believe that any:

(a) Person is advertising to provide:

(1) The services of a fully regulated carrier in intrastate commerce; or

(2) Towing services,

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

(b) Provision of NRS 706.011 to 706.791, inclusive, **and sections 8 to 20, inclusive, of this act** is being violated,

↳ the Authority shall investigate the operations or advertising and may, after a hearing, order the owner or operator of the vehicle or the person advertising to cease and desist from any operation or advertising in violation of NRS 706.011 to 706.791, inclusive **§**, **and sections 8 to 20, inclusive, of this act**. The Authority shall enforce compliance with the order pursuant to the powers vested in the Authority by NRS 706.011 to 706.791, inclusive, **and sections 8 to 20, inclusive, of this act** or by other law.

**Sec. 29.** 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 8 to 20, inclusive, 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 8 to 20, inclusive, of this act** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive **§**, **and sections 8 to 20, inclusive, 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 8 to 20, inclusive, 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 8 to 20, inclusive, of this act**;

(g) Advertises as providing:

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

(2) Towing services,



1 ➔ without including the number of the person's certificate of public  
2 convenience and necessity or contract carrier's permit in each  
3 advertisement;

4 (h) Knowingly offers, gives, solicits or accepts any rebate,  
5 concession or discrimination in violation of the provisions of this  
6 chapter;

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

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

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

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

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

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

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

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

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

41 3. Any person who, in violation of the provisions of NRS  
42 706.386, operates or permits the operation of a vehicle in passenger  
43 service without first obtaining a certificate of public convenience  
44 and necessity is guilty of a gross misdemeanor.



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

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

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

9 **Sec. 30.** NRS 706.781 is hereby amended to read as follows:

10 706.781 In addition to all the other remedies provided by NRS  
11 706.011 to 706.861, inclusive, *and sections 8 to 20, inclusive, of*  
12 *this act* for the prevention and punishment of any violation of the  
13 provisions thereof and of all orders of the Authority or the  
14 Department, the Authority or the Department may compel  
15 compliance with the provisions of NRS 706.011 to 706.861,  
16 inclusive, *and sections 8 to 20, inclusive, of this act* and with the  
17 orders of the Authority or the Department by proceedings in  
18 mandamus, injunction or by other civil remedies.

19 **Sec. 31.** The provisions of NRS 218D.380 do not apply to any  
20 provision of this act which adds or revises a requirement to submit a  
21 report to the Legislature.

22 **Sec. 32.** 1. This section becomes effective upon passage and  
23 approval.

24 2. Sections 1 to 31, inclusive, of this act become effective:

25 (a) Upon passage and approval for the purpose of adopting any  
26 regulations and performing any other preparatory administrative  
27 tasks that are necessary to carry out the provisions of this act; and

28 (b) On January 1, 2026, for all other purposes.



