

**PROPOSED REGULATION OF THE TAXICAB AUTHORITY OF
THE DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R034-06

April 18, 2006

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

AUTHORITY: §§1-10, NRS 706.8818.

A REGULATION relating to taxicabs; requiring a holder of a certificate of public convenience and necessity to operate a taxicab business to establish an effective safety program and conduct his business in accordance with that program; establishing the requirements for such a program; requiring a certificate holder to collect and report to the Taxicab Authority of the Department of Business and Industry certain information concerning his safety program; establishing certain procedures concerning a safety program that is not effective; imposing on a certificate holder and a taxicab driver certain duties and prohibitions concerning a safety program; and providing other matters properly relating thereto.

Section 1. Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. 1. *A certificate holder shall establish, and conduct his business in accordance with, a safety program for the taxicabs operated in passenger service by the certificate holder. The program must be effective in preventing the commission of crimes against taxicab drivers or passengers of those taxicabs.*

2. For the purposes of sections 2 to 7, inclusive, of this regulation, the safety program of a certificate holder is effective if the number of crimes involving his taxicabs during a calendar year is not substantially greater than the industry average for the crimes established by the Authority pursuant to section 4 of this regulation.

Sec. 3. 1. *A safety program must include:*

(a) *The installation of safety equipment in each taxicab operated in passenger service;*

(b) *The training of each driver and dispatch operator in:*

(1) *Safety; and*

(2) *The prevention of crimes against taxicab drivers and passengers; and*

(c) *A procedure for collecting information concerning each crime committed against a taxicab driver or passenger that involves a taxicab operated in passenger service by the certificate holder.*

2. *A certificate holder shall maintain a written description of his safety program. The description must be on a form provided by the Authority and available for inspection by the Authority.*

Sec. 4. 1. *A certificate holder shall, not later than February 15 of each year, submit an annual report concerning the operation of his safety program during the immediately preceding calendar year.*

2. *The report must be on a form provided by the Authority and include, without limitation:*

(a) *Information concerning each crime committed against a taxicab driver or passenger that involves a taxicab operated in passenger service by the certificate holder during the calendar year; and*

(b) *Any additional information requested by the Authority if the Authority determines that obtaining the additional information is in the public interest.*

3. *The Authority will reject an annual report that is incomplete, lacks sufficient details or is otherwise unsatisfactory.*

4. The Authority will compile, from the information included in the annual reports submitted by all certificate holders, crime statistics for the taxicab industry. The statistics will include, without limitation, an industry average for each type of crime committed against a taxicab driver or passenger.

Sec. 5. 1. The Authority will review each annual report submitted by a certificate holder to determine whether his safety program is effective.

2. If the Authority determines that the number of crimes reported by a certificate holder is substantially higher than the industry average for such crimes, a rebuttable presumption arises that the safety program of the certificate holder is ineffective. The Authority will provide written notice to the certificate holder that his safety program may be declared ineffective at the next meeting of the Authority unless, before that meeting, the certificate holder:

(a) Submits a revised safety program; or

(b) Requests a hearing to contest the determination of the Authority.

3. The Authority will review each revised safety program submitted by a certificate holder.

If the Authority determines that the program is:

(a) Likely to be effective, the Authority will approve the use of the revised program until the Authority reviews the next annual report of the certificate holder.

(b) Not likely to be effective, the Authority will follow the procedure set forth in subsection 2.

4. If the Authority declares that a safety program or revised safety program of a certificate holder is ineffective, the Authority may, pursuant to NRS 706.885, penalize the certificate holder or suspend or revoke his certificate.

Sec. 6. 1. *A certificate holder shall, by means of a decal or other medium, affix a notice to each taxicab operated in passenger service that is intended to notify a passenger, before he enters the taxicab, of the safety equipment that is installed in the taxicab.*

2. *The notice must be:*

(a) Visible to the prospective passenger from the interior and exterior of the taxicab;

(b) Placed on a window of each rear door of the taxicab; and

(c) Located:

(1) On the upper one-third part of the passenger window; or

(2) If, directly behind the passenger window, there is a fixed window that cannot be lowered, on the lowest part of the fixed window.

3. *The certificate holder must obtain the approval of the Authority as to the form and contents of the notice. The certificate holder must file a written application for approval with the Authority. The Authority will approve or deny an application within 30 days after receipt of the application. An application not denied within 30 days shall be deemed to have been approved.*

Sec. 7. 1. *The Authority may inspect the safety equipment installed in a taxicab.*

2. *If the Authority determines that any safety equipment is disconnected, missing or not operating properly, the Authority will serve written notice on the certificate holder that he must:*

(a) Restore the safety equipment to its proper operation within 24 hours after receiving the notice; or

(b) If the safety equipment is not restored to its proper operation within 24 hours, remove the taxicab from passenger service until the Authority inspects the taxicab and verifies that the safety equipment is operating properly.

Sec. 8. NAC 706.450 is hereby amended to read as follows:

706.450 As used in NAC 706.450 to 706.990, inclusive, *and sections 2 to 7, inclusive, of this regulation*, unless the context otherwise requires:

1. “Administrator” means the Taxicab Administrator or his authorized agent.
2. “Authority” means the Taxicab Authority created by NRS 706.8818.
3. “Certificate” means a certificate of public convenience and necessity issued by the Authority.
4. “Medallion” means the metal plate issued by the Authority which is affixed to a taxicab authorizing it to be operated within the jurisdiction of the Authority.
5. “Permit” means the document supplied by the Authority authorizing a person to drive a taxicab within the jurisdiction of the Authority for a period of 1 year.
6. *“Safety equipment” means any mechanical, electronic or other device that, if installed in a taxicab, is likely to aid in the:*
 - (a) Prevention of the commission of a crime against a taxicab driver or passenger that involves a taxicab operated in passenger service; or*
 - (b) Apprehension of a person who commits such a crime.*
7. “Temporary permit” means the document supplied by the Authority authorizing a person to drive a taxicab within the jurisdiction of the Authority for less than 1 year.

Sec. 9. NAC 706.552 is hereby amended to read as follows:

706.552 A taxicab driver shall, in addition to the requirements of NRS 706.8849:

1. Ensure that the electronic taximeter of his taxicab is engaged while the taxicab is on hire.
2. Not solicit passengers by voice or action.
3. Not accept, directly or indirectly, a gratuity or any form of compensation from any person for diverting or attempting to divert a prospective customer from any commercial establishment.
4. Not knowingly operate a taxicab that is unsafe for passenger service.
5. Upon changing employment from one certificate holder to another, present to the Administrator his permit and a referral slip from his new employer for issuance of a permit. Before commencing his employment, a taxicab driver must present his taxicab driver's permit to his employer.
6. Except as otherwise provided in NAC 706.546, not operate a taxicab within the jurisdiction of the Authority for other than the company listed on his driver's permit.
7. Report immediately ~~[any inoperable or defective taximeters]~~ to the certificate holder or his representative ***[] any taximeter that is defective or not operating properly.***
8. Not divert or attempt to divert a prospective customer from any commercial establishment.
9. Except as authorized by his employer or the Authority, not permit any person, other than himself, within his taxicab unless that person is a passenger who is actually being transported and is paying a fare.
- 10. Report immediately to the certificate holder or his representative any safety equipment that is disconnected, missing or not operating properly.***
- 11. Not disconnect, remove, disable or otherwise tamper with any safety equipment that is installed in a taxicab operated in passenger service.***

Sec. 10. This regulation becomes effective on July 1, 2006.