

# PROPOSED REGULATION OF THE NEVADA TRANSPORTATION AUTHORITY

LCB File No. R029-15

Docket 15-06024

## REGULATION AND LICENSING OF TRANSPORTATION NETWORK COMPANIES

Explanation – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted

AUTHORITY: Assembly Bill No. 175 and Assembly Bill No. 176 of the 2015 Legislative Session

### General Provisions

Sec. 0. *Prior emergency regulations. (AB176, Sec. 46) All obligations and standards imposed in Section 1 – 149, inclusive, supersede the terms of the emergency regulations adopted by the Nevada Transportation Authority on June 29, 2015.*

Sec. 1. *Definitions. (AB176, Sec. 46) As used in Sections 1 - 149, inclusive, unless the context otherwise requires, the words and terms defined in Sections 2 - 25, inclusive, have the meanings ascribed to them in those sections.*

Sec. 2. *“Application” defined. (AB176, Sec. 46) “Application” means a request for transportation network company operating authority or for relief filed with the Authority as specified in Sections 34 and 91.*

Sec. 3. *“Authority” defined. (AB176, Sec. 46) “Authority” means the Nevada Transportation Authority created pursuant to NRS 706.1511.*

Sec. 4. *“Permit” defined. (AB176, Sec. 46) “Permit” means a permit to operate as a transportation network company issued by the Authority.*

Sec. 5. *“Permit holder” defined. (AB176, Sec. 46) “Permit holder” means a person who holds a permit to operate as a transportation network company issued by the Authority.*

Sec. 6. *“Chair” defined. (AB176, Sec. 46) “Chair” means the person designated as the Chair of the Authority pursuant to NRS 706.1512.*

Sec. 7. *“Commissioner” defined. (AB176, Sec. 46) “Commissioner” means a member of the Authority appointed pursuant to NRS 706.1511.*

Sec. 8. *“Complaint” defined. (AB176, Sec. 46) “Complaint” means a written request for relief filed with the Authority.*

Sec. 9. *“Deputy Commissioner” defined. (AB176, Sec. 46) “Deputy Commissioner” means the Deputy appointed by the Authority pursuant to NRS 706.176.*

**Sec. 10. “Driver” defined. (AB176, Sec. 18)** *“Driver” means a natural person who:*  
*1. Operates a motor vehicle that is owned, leased or otherwise authorized for use by the person; and*

*2. Enters into an agreement with a transportation network company to receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee to the transportation network company.*

**Sec. 11. “Hearing” defined. (AB176, Sec. 46)** *“Hearing” means any public proceeding for which notice is provided by the Authority in accordance with applicable statutes and regulations.*

**Sec. 12. “Longer route to the passenger’s destination” defined. “Longer route to the passenger’s destination” as used in AB176, Sec. 38(2)(c) means any route other than that which a driver knows or reasonable believes would result in the lowest fare to the passenger.**

**Sec. 13. “Motion” defined. (AB176, Sec. 46)** *“Motion” means a request for relief filed with the Authority pursuant to Section 94.*

**Sec. 14. “On call” and “on-call” defined. (AB176, Sec. 46)** *“On call” or “on-call” means any period in which a driver is logged into the digital network or software application service of the transportation network company, available to receive requests for transportation services or providing transportation services.*

**Sec. 15. “Operating authority” defined. (AB176, Sec. 46)** *“Operating authority” means a permit issued by the Authority pursuant to which a person may operate as a transportation network company subject to the jurisdiction of the Authority.*

**Sec. 16. “Party of record” defined. (AB176, Sec. 46)** *“Party of record” means an applicant, complainant, petitioner or respondent.*

**Sec. 17. “Permit” defined. (AB176, Sec. 46)** *“Permit” means a permit issued by the Authority to operate as a transportation network company.*

**Sec. 18. “Petition” defined. (AB176, Sec. 46)** *“Petition” means a request for relief made to the Authority pursuant to Section 92.*

**Sec. 19. “Pleading” defined. (AB176, Sec. 46)** *“Pleading” means any application, petition, complaint, answer, protest or motion filed with the Authority in any proceeding.*

**Sec. 20. “Presiding officer” defined. (AB176, Sec. 46)** *“Presiding officer” means the Chair of the Authority or a commissioner designated by the Chair to preside over a hearing.*

**Sec. 21. “Rebuttal” defined. (AB176, Sec. 46)** *“Rebuttal” means evidence offered by an applicant, petitioner or complainant which must directly explain, repel, counteract or disprove facts offered in evidence by parties of record opposing the application, petition or complaint.*

**Sec. 22. “Regular business hours” defined. (AB176, Sec. 46)** *“Regular business hours” means Monday through Friday, 8 a.m. to 5 p.m., excluding legal holidays.*

**Sec. 23. “Staff of the Authority” defined. (AB176, Sec. 46)** *“Staff of the Authority” means persons employed by the Authority.*

**Sec. 24. “Transportation network company” or “company” defined. (AB176, Sec. 19)** *“Transportation network company” or “company” means an entity that uses a digital network or software application service to connect a passenger to a driver who can provide transportation services to the passenger.*

**Sec. 25. “Vehicle” defined. (AB176, Sec. 46)** *“Vehicle” has the meaning ascribed to it in NRS 706.146.*

**Sec. 26. Severability. (AB176, Sec. 46)** *If any provision of Sections 1 – 149, inclusive, or any application thereof to any person, thing or circumstance is held invalid, the Authority intends that such invalidity not affect the remaining provisions, or their application, that can be given effect without the invalid provision or application.*

**Sec. 27. Deviation from regulations. (AB176, Sec. 46)** *The Authority will and the presiding officer shall allow deviation from the provisions of Sections 1 – 149, inclusive, if good cause for deviation appears.*

**Sec. 28. Computation and extension of time. (AB176, Sec. 46)** *Except as otherwise provided by law:*

*1. In computing any period prescribed or allowed by any regulation of the Authority, the day of the act, event or default from or after which the designated period begins to run is not included. The last day of the period so computed is included, but if it is a Saturday, Sunday or legal holiday, the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday.*

*2. Whenever an act is required or allowed pursuant to any regulation of the Authority, or any notice given thereunder, to be done within a specified period, the Authority may extend the period for good cause upon a motion made before the specified period expires.*

**Sec. 29. Payment of fees, remittances and administrative fines. (AB176, Sec. 46)**

*1. A fee or remittance by money order, bank draft or check to the Authority, or by an electronic transfer of money for fees or remittances which are equal to, or greater than, the amount specified in NRS 353.1467, must be made payable to the “Nevada Transportation Authority.” A remittance in currency or coin is acceptable but is sent wholly at the risk of the remitter, and the Authority assumes no responsibility for the loss of such a remittance. An application fee or other charge required by law must be paid to the Authority at the time of filing with the Authority.*

*2. An administrative fine imposed pursuant to AB176, Sec. 42 must be paid by cash, cashier’s check, or money order or, if the administrative fine is equal to, or greater than, the amount specified in NRS 353.1467, by the electronic transfer of money.*

**Sec. 30. Public records; filing and confidentiality of certain information. (AB176, Sec. 46)**

1. Except as otherwise provided by law, all documents filed with the Authority become matters of public record as of the day and time of their filing. The Deputy Commissioner, within reasonable limits of time and general expediency, shall allow members of the public to examine these public records.

2. An applicant shall not include any of the following items in an application filed with the Authority:

- (a) Copies of tax returns;
- (b) Copies of bank statements, brokerage statements and retirement statements;
- (c) Loan documents;
- (d) Credit reports;
- (e) Reports concerning criminal background;
- (f) Records from the Department; and
- (g) Any other document determined to be confidential pursuant to Sections 80 - 89, inclusive.

3. Upon request, copies of public records will be made and a reasonable fee will be charged for the cost of reproduction. Copies of transcripts must first be requested from the court reporter or transcriber who made the transcript.

**Sec. 31. Rejection of documents. (AB176, Sec. 46)** A document which is not in compliance with the provisions of Sections 1 – 149, inclusive, or applicable statutes may be rejected. If rejected, that document will be returned with an indication of the deficiencies. The acceptance of a document for filing is not a determination that the document complies with all regulations of the Authority and is not a waiver of those regulations.

**Sec. 32. Receipt of written communications and documents. (AB176, Sec. 46)** A written communication or document is considered officially received by the Authority only if it is:

- 1. Filed at the office of the Authority in Las Vegas and addressed to the Deputy Commissioner; or
- 2. Presented to the Authority during a hearing.

**Sec. 33. Public notice of application. (AB176, Sec. 46)**

1. If an application is filed and the filing is not rejected pursuant to Section 31, the Deputy Commissioner shall cause a notice of the application filing to be published within 10 working days after acceptance unless circumstances dictate otherwise.

2. If the Deputy Commissioner determines that the proposal will have a statewide effect, he or she shall cause the notice to be published at least once in four or more newspapers of general circulation in this State, no two of which are published in the same county.

3. If the Deputy Commissioner determines that the proposal will have an effect on a limited number of counties, he or she shall cause the notice to be published once in a newspaper of general circulation in each county affected. If there is no newspaper published in an affected county, the Deputy Commissioner shall cause the notice to be published in a newspaper in an adjoining county.

4. The notice must be an advertisement which is reasonably calculated to notify affected persons and must include, without limitation:

- (a) The name of the applicant or the name of the agent for the applicant;

- (b) A brief description of the applicant's proposal;*
- (c) The location at which the proposal is on file for the public; and*
- (d) The date by which persons must file a protest with the Authority.*
- 5. The Deputy Commissioner shall cause the notice to be published in the appropriate newspapers not less than 3 working days before the proposal becomes effective.*
- 6. The applicant shall pay the cost of the publication.*

#### **Applications Relating to Permits for Transportation Network Companies**

**Sec. 34.** *Application for a transportation network company permit. (AB176, Sec. 26, AB176, Sec. 46)*

- 1. An application for:*
  - (a) The initial issuance of a permit to act as a transportation network company pursuant to the provisions of AB 175 and AB 176;*
  - (b) The sale and transfer of an interest in:*
    - (1) A permit;*
    - (2) Fifteen percent or more of the stock of a corporation that holds a permit;*
    - (3) A partnership that holds a permit; or*
    - (4) A corporate entity that holds a permit which would result in a change in the corporate control of the carrier,*
- ☐ *in addition to complying with the general pleading standards for applications set forth in Section 91, must contain the following data, either in the application or as exhibits attached thereto:*
  - (c) A statement and general description of the type of service to be performed by the applicant, including the rates or fares to be charged and rules governing service.*
  - (d) A statement of the qualifications and experience of the personnel who will manage and operate the proposed service.*
  - (e) A statement describing the technology which will be used to provide the proposed service.*
  - (f) If the applicant is a corporation or limited-liability company, a copy of its articles of incorporation or articles of organization. If the corporation or limited-liability company was incorporated or established in another state, the application must include:*
    - (1) A copy of the certificate issued by the Office of the Secretary of State authorizing the corporation or limited-liability company to transact its business in the State of Nevada; or*
    - (2) Its equivalent, as provided in NRS 80.120.*
  - (g) If the applicant is a partnership, a copy of the partnership agreement and any amendments made thereto.*
  - (h) A copy of the state business license issued pursuant to chapter 76 of NRS in the applicant's name.*
  - (i) A copy of the insurance policy meeting all the requirements set forth in AB 175 and AB 176 identifying the Nevada Transportation Authority as a named insured.*
  - (j) An application fee. In addition to the scalable portion of the application fee measured by number of drivers and set forth in Section 38, the standard fixed portion of the application fee shall be in the amount of \$500,000.00. Smaller operations wishing to self-impose a limitation on the size of their operation may choose to pay a reduced fixed portion of the application fee based on the following schedule:*

*(1) for applicants seeking authority to utilize no more than 100 vehicles cumulatively within the first 12 months after a permit is granted, \$10,000.00;*

*(2) for applicants seeking authority to utilize no more than 500 vehicles cumulatively within the first 12 months after a permit is granted, \$50,000.00;and*

*(3) for applicants seeking authority to utilize no more than 1,000 vehicles cumulatively within the first 12 months after a permit is granted, \$100,000.00.*

*(4) for applicants seeking authority to utilize no more than 2,500 vehicles cumulatively within the first 12 months after a permit is granted, \$250,000.00.*

*(k) Additional information as is necessary for a full understanding of the application.*

*2. Pending applications filed prior to the effective date of this section shall receive a credit towards the application fee due under subsection (1)(j) in the amount of any prior application fee paid, with the remaining balance due within 15 days of the effective date of this section.*

*3. If any item required pursuant to this section or by statute is omitted or otherwise deficient after acceptance of the application or filing, the Authority will notify the applicant of the omission or deficiency, in writing, at the address of the applicant listed on the application or filing. If the applicant does not cure the omission or deficiency within 15 working days after the issuance of that notification, the Deputy Commissioner may, at the next regular meeting of the Authority, move that the application or filing be dismissed.*

*4. The Authority may fix a time and place for a hearing on the application to determine whether the applicant meets the requirements for the issuance of a permit.*

### **Permits for Transportation Network Companies**

#### **Sec. 35. Issuance of Permit. (AB176, Sec. 27, AB176, Sec. 46)**

*Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit to operate a transportation network company, the Authority shall issue to the applicant within 30 days a permit to operate a transportation network company.*

#### **Sec. 35.5. Self-imposed restriction on permit. (AB176, Sec. 27, AB176, Sec. 46)**

*If an applicant chooses to self-impose a limitation on the size of their operation during the first 12 months after a permit is granted in order to pay a reduced application fee pursuant to Section 34, the permit issued by the Authority pursuant to Section 35 shall state a restriction to the appropriate total number of vehicles authorized during the first 12 months after the permit is granted.*

#### **Sec. 36. Revocation or suspension of permit: Failure to operate under terms and conditions of permit or to comply with provisions of chapter or regulations of Authority. (AB176, Sec. 46)** **The Authority:**

*1. Shall revoke or suspend, pursuant to the provisions of this chapter, the permit of a transportation network company which has failed to operate as a transportation network company in this State under the terms and conditions of its permit,*  
☐ *unless the carrier has obtained the prior permission of the Authority.*



2. *May revoke or suspend the permit of a transportation network company which has failed to comply with any provision of this chapter or any regulation of the Authority adopted pursuant thereto.*

**Sec. 37. *Suspension or revocation of permit or license; notice and hearing; conditions; judicial review. (AB176, Sec. 46)***

1. *A permit issued in accordance with this chapter is not a franchise and may be revoked.*
2. *The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any permit issued in accordance with the provisions of AB175 and AB 176 inclusive, for a period not to exceed 60 days.*
3. *Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any permit. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the permit by so notifying the Authority in writing, the Authority may revoke the permit without a hearing.*
4. *The proceedings thereafter are governed by the provisions of chapter 233B of NRS.*

#### **Registry for Drivers of Transportation Network Companies**

**Sec. 38. *Driver registry. (AB176, Sec. 27, AB176, Sec. 46)***

1. *A person shall not drive for a transportation network company unless the person has been included on a registry of active drivers approved by the Authority pursuant to this section.*
2. *The Authority shall add to its registry of approved drivers each prospective driver who satisfies the requirements of this section. Before adding a driver to the registry, the Authority shall:*
  - (a) *Require an affidavit from the transportation network company affirming that the prospective driver has met all the requirements contained within AB 176, section 29;*
  - (b) *Require proof from the transportation network company that the prospective driver has passed a pre-employment controlled substances test;*
  - (c) *Require proof from the transportation network company that the prospective driver is employed, under a contract or lease agreement, or has an offer of employment, a contract or a lease agreement that is contingent on the prospective driver being added to the registry pursuant to this section; and*
  - (d) *Within the 3 years immediately preceding the date on which the employee submitted to the certificate holder an application to be a driver of a traditional limousine or livery limousine:*
    - (1) *Has not failed to appear for a hearing before the Authority which resulted in the employee being found to have violated a provision of this chapter or chapter \_\_\_\_ of NRS;*
    - (2) *Has not been found by the Authority to have violated the provisions of this chapter or chapter \_\_\_\_ of NRS more than five times; and*
    - (3) *Has not failed to pay on or before the due date any fine assessed against the employee by the Authority.*
3. *The Authority will create and maintain a list of persons who are not qualified to drive a traditional limousine or livery limousine pursuant to paragraph (d) of subsection (2).*
4. *Entry on the approved driver registry pursuant to this section is valid for one year, but lapses if the driver ceases to be subject to an agreement as described in Section 5(2) with the*

*carrier identified in the affidavit submitted pursuant to paragraph 2(a) of this Section or an agreement as described in Section 5(2) with a different carrier. A transportation network company must notify the Authority within 10 days after the lapse of an agreement and the driver must be re-entered on the registry pursuant to this section before driving for a different carrier.*

*5. For each prospective driver submitted for entry onto the registry, a transportation network company shall pay to the Authority:*

*(a) For an original entry onto the registry, a scalable portion of the transportation network company's application fee in the amount of \$50.*

*(b) For the renewal of a registry entry, a scalable portion of the transportation network company's application fee in the amount of \$10.*

*6. A transportation network company must retain all documents obtained in demonstrating compliance with paragraph 2 of this section for a period of three years.*

### **Regulatory Assessment**

**Sec. 38.5. Regulatory Assessment (AB176, Sec. 27, AB176, Sec. 46, AB176, Sec. 50)**

*1. Upon the expiration of one year from the date of issuance of a permit to a transportation network company pursuant to Section 35, the permitted transportation network company shall within 10 days submit to the Authority a statement of the gross operating revenue derived from the Nevada intrastate operations of the transportation network company for that year of operation. Upon receipt of that statement, the Authority shall within 10 days issue to the transportation network company a notice of annual regulatory assessment.*

*2. The regulatory assessment referenced in subsection 1 shall be calculated at a rate of 1% of the gross operating revenue reported in the statement from the transportation network company. The Authority shall annually reevaluate the regulatory assessment rate based upon the total revenues generated from the fixed and scalable application fees set forth in Sections 34 and 38 and the Authority's expenses for the regulation of transportation network companies.*

### **Regulation of Transportation Network Companies Generally**

**Sec. 39. Required compliance and instruction. (AB176, Sec. 46)** *Every transportation network company shall comply with Sections 40 - 68, inclusive, and shall instruct his or her employees and agents concerned with the transportation of persons with respect thereto.*

**Sec. 40. No property right in grant of authority. (AB176, Sec. 46)** *No grant of authority for transportation network company operations carries with it the implication or intent of investing the holder with any property right.*

**Sec. 41. Commencement of operations. (AB176, Sec. 46)**

*1. Unless otherwise authorized by the Authority, each applicant for a permit, or the transfer of a permit, whose application has been granted must commence operations within 30 days after the date on which the permit was issued, or forfeits the rights granted.*

*2. No applicant may start operating until he or she has complied with all requirements of the law and the regulations of the Authority, unless otherwise ordered by the Authority.*



**Sec. 42. *Use of trade or fictitious name. (AB176, Sec. 46)*** *No carrier may use any trade name or any fictitious name unless the name is authorized for the carrier's use by order of the Authority.*

**Sec. 43. *Identification on vehicles. (AB176, Sec. 46)***

*1. Except as otherwise provided in this section, motor vehicles operating in conjunction with a transportation network company permit shall have the name of the carrier operating the vehicle firmly attached to the vehicle in letters not less than 2 inches high in sharply contrasting colors which are legible from a distance of at least 50 feet.*

*2. Except as otherwise provided in subsection 3, every motor vehicle operating in conjunction with a transportation network company permit shall have the symbols "TNC" and the number of his or her permit, painted or affixed upon each side of the vehicle in the manner, size and style prescribed in subsection 1.*

*3. If the motor vehicle has firmly affixed and exhibited on the vehicle a symbol or printed sign that has been approved by the Authority and is visible from a distance of at least 50 feet, the name of the transportation network company is not required to be displayed as prescribed in subsection 1. The number of the permit of the carrier and the symbols "CPCN" must be not less than 2 inches high and must be placed on either the rear bumper or at the rear of the vehicle.*

**Sec. 44. *Insurance. (AB176, Sec. 11, AB176, Sec. 46)***

*All transportation network companies shall maintain a contract of insurance against liability for injury to persons and damage to property in the minimum amounts prescribed in AB176, Sec. 11 and AB175, Sec. 3 through 13.*

**Sec. 45. *Evidence of insurance; change in information. (AB176, Sec. 11, AB176, Sec. 46)***

*1. Before a permit will be issued, the applicant shall file with the Authority evidence of the necessary insurance required by AB176, Sec. 11.*

*2. After the Authority issues a permit to a transportation network company, the holder of the permit shall submit any change in the information required pursuant to subsection 1 to the Authority within 30 days after the change occurs.*

**Sec. 46. *Interference with inspections. (AB176, Sec. 46)*** *No employee, officer, driver, agent or representative of a transportation network company may interfere with, refuse, deny or hinder the Authority or its appointed representatives from making any inspection, investigation or examination of any vehicle, record or documents.*

**Sec. 47. *Maintenance of records. (AB176, Sec. 46)***

*1. An authorized transportation network company shall maintain the records required by the Authority in a designated headquarters.*

*2. All records required by the Authority to be maintained by an authorized transportation network company must be maintained by the authorized transportation network company for at least 3 years.*

*3. All records required by the Authority to be maintained by an authorized transportation network company are subject to inspection or audit by the Authority or its designated agent at any time during regular business hours.*

**Sec. 48. Notification of corporate changes; approval of sale of corporate control. (AB176, Sec. 46)**

1. All transportation network companies operating within this State under the jurisdiction of the Authority shall notify the Authority of any changes in address, officers of the corporation, or an intended sale, transfer, lease or discontinuance of operations under the authority granted them in their permit.

2. Any transportation network company, before the purchase or sale of the corporate control, must have the approval of the Authority.

**Sec. 49. Solicitation of passengers. (AB176, Sec. 46, AB176, Sec. 38)**

1. A transportation network company or his or her officers, employees, agents, representatives or drivers shall not solicit passengers.

2. While on call, a transportation network company driver shall not stand a vehicle or park a vehicle within 50 feet of a designated taxicab stand unless the Chairman or his or her designee has authorized the permit holder to stop or park the vehicle within 50 feet of the designated taxicab stand, or unless the driver is loading, unloading, or awaiting a passenger for whom the driver has accepted a connection arranged through a transportation network company's digital network or software application service.

3. While on call, a transportation network company driver shall not stand within 50 feet of a designated taxicab stand unless the Chairman or his or her designee has authorized the permit holder to stop or park vehicles within 50 feet of the designated taxicab stand.

4. As used in this section:

(a) "Passenger curb loading zone" has the meaning ascribed to it in NRS 484B.033.

(b) "Solicit" includes, without limitation, inducing or attempting to induce persons by communication or other action to be transported. The term includes, without limitation:

(1) Initiating conversation with potential passengers;

(2) Shouting information;

(3) Waving signs;

(4) Waving arms or hands;

(5) Flashing lights;

(6) Ringing bells;

(7) Blowing horns;

(8) Blocking access to other transportation network companies or transportation network companies; or

(9) Any other activity designed to attract passengers,

□ unless the passenger has prearranged for the transportation through the transportation network company's application.

**Sec. 50. Designation of registered agent. (AB176, Sec. 46, AB176, Sec. 28)** All transportation network companies shall notify the Authority of the name and contact information of its current registered agent residing within this State.

**Sec. 51. Leaving vehicle unattended in passenger curb loading zone: Prohibition; exception. (AB176, Sec. 46, AB176, Sec. 38)**

1. *While on call, a driver shall not leave his or her vehicle unattended in any passenger curb loading zone, unless the driver is seeking a specific passenger who has requested that a vehicle be dispatched to the location through the transportation network company app.*

2. *As used in this section, the term “passenger curb loading zone” has the meaning ascribed to it in NRS 484B.033.*

**Sec. 52. *Adoption and enforcement of federal regulations for transportation network company safety. (AB176, Sec. 46)***

***Adoption and enforcement of certain federal regulations for motor carrier safety.***

1. *The Authority hereby adopts by reference the regulations contained in 49 C.F.R. Part 382.301, 382.303, 382.305, and 382.307, and the related regulations referenced therein, as those regulations existed on May 30, 2012, with the following exceptions:*

(a) *References to the “employer” are amended to refer to the “transportation network company” as defined in Section 7 of these regulations.*

(b) *References to the “driver” are based upon the definition of driver set forth in Section 6 of these regulations.*

(c) *The phrase “safety-sensitive functions” is defined as any function involving the transportation of a passenger for compensation.*

(d) *References to “commercial motor vehicle” are amended to refer to any motor vehicle that is operated by a driver pursuant to an agreement with a transportation network company to receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee to the transportation network company.*

2. *Enforcement officers and compliance enforcement officers are authorized to enforce the provisions of this chapter of the Nevada Revised Statutes and Nevada Administrative Code.*

3. *To enforce these regulations, enforcement officers and compliance enforcement officers of the Authority may, during regular business hours, enter the property of the transportation network company and the vehicles of permitted drivers to inspect records, facilities, and vehicles.*

4. *The volume containing 49 C.F.R. Part 382.301, 382.303, 382.305, and 382.307, and the related regulations referenced therein, is available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800, at the price of \$37. The volume containing 49 C.F.R. Part 40 is available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800, at the price of \$66. The volumes are also available free of charge at the Internet address <http://www.gpo.gov/fdsys>.*

**Sec. 53. *Adoption of and compliance with federal regulations for transportation of passengers with disabilities. (AB176, Sec. 30, AB176, Sec. 32, AB176, Sec. 46)***

1. *The Authority hereby adopts by reference the regulations contained in 49 C.F.R. Parts 27, 37 and 38, as those regulations existed on January 2, 2002.*

2. *A transportation network company shall comply with the regulations set forth in 49 C.F.R. Parts 27, 37 and 38 if any provision of the regulations applies to the operation of the transportation network company in this State.*

3. *The volume containing 49 C.F.R. Parts 27, 37 and 38 is available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800, at the price of \$55.*

**Sec. 54.** *List of supervisory employees of transportation network company. (AB176, Sec. 46) A permitted transportation network company shall maintain a current list of supervisory or responsible persons employed by the carrier. The carrier shall provide a copy of the list of supervisory or responsible persons to the Authority and shall update that copy as necessary. The persons on the list must be authorized to act on behalf of the carrier in dealing with the Authority.*

**Sec. 55.** *Notice of certain contact information. (AB176, Sec. 46, AB176, Sec. 39) A transportation network company shall include on any bill or receipt provided to a customer the following information or shall display in a conspicuous place inside each vehicle operating pursuant to the transportation network company's permit a placard at least 5 inches by 7 inches in size which contains the following information:*

#### **IMPORTANT**

*You have been transported in a (name of transportation network company) vehicle. If you have any questions concerning the services provided or wish to file a commendation or complaint, you may contact the Nevada Transportation Authority at (702) 486-3303 or through its website at <http://www.nta.nv.gov>.*

#### **Rates and Services**

**Sec. 56.** *Emergency Rates (AB176, Sec. 30, AB176, Sec. 46)*

1. *Each permitted transportation network company shall notify the Authority of the base rate currently in use, and file with the Authority any new base rate prior to its utilization.*

2. *During an emergency, as defined in NRS 414.0345, a transportation network company shall not charge a rate in excess of twice the base rate on file with the authority upon the date of the emergency. If a transportation network company chooses to charge a rate up to twice the base rate it must disclose to the customer the rate charged by the company and the method by which the amount of the fare is calculated.*

**Sec. 57.** *Uniform rates; authorization of commission or referral fee; list of designated agents. (AB176, Sec. 46)*

1. *A transportation network company or driver shall not:*

(a) *Charge, demand, collect or receive a greater, lesser or different compensation for the transportation of persons or property or for any service in connection therewith than the rates applicable to the transportation as specified by the transportation network company app.*

(b) *Refund or remit in any manner or by any device any portion of the rates, fares or charges so specified except upon orders of the courts or the Authority, or extend to the shipper or person any privilege or facility in the transportation of passengers or property except as specified in the tariffs.*

*(c) Submit a bid to provide services in any form or manner which is not in conformance with the permit he or she holds.*

*(d) Use any artifice or subterfuge, or billing or accounting practice in lieu of an authorized commission. The fare or rate charged to the passenger or shipper may not be greater than or different from the fare or rate specified in the tariffs in effect at the time because of the authorized commission.*

*2. A transportation network company may pay a commission or referral fee to a designated agent who arranges for the provision of transportation services by the carrier. Except as otherwise provided in subsection 6, a commission or referral fee authorized pursuant to this subsection must not exceed 10 percent of the rate, fare or charge specified in the carrier's tariffs for the type of service that the designated agent has arranged for the carrier to provide.*

*3. A designated agent arranging or providing transportation on the vehicles of any permitted transportation network company shall not charge, demand, collect or receive a greater, lesser or different compensation for the transportation of persons or property or any service in connection therewith than the rates, fares or charges specified in the transportation network company's tariffs.*

*4. All tickets issued by a carrier or its designated agent must identify the charge to the passenger for the service or transportation purchased. That charge may not be different from the tariff on file with the Authority.*

*5. A carrier that uses or intends to use the services of a designated agent within this State shall keep a complete list of its designated agents which must be made available for review by the staff of the Authority.*

**Sec. 58. Prohibited acts. (AB176, Sec. 46)** *Any person, whether a transportation network company or a broker, or any officer, employee, agent or representative thereof, who knowingly offers, grants, gives, solicits, accepts or receives any rebate, concession or discrimination in violation of any provision of Sections 56 - 57, inclusive, or who, by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease or bill of sale or by any other means or device knowingly and willfully or otherwise fraudulently seeks to evade or defeat the provisions of Section 56 - 57, inclusive, will be subject to citation by the Authority.*

**Sec. 59. Interruption of service. (AB176, Sec. 46)**

*1. Except as otherwise provided in subsection 3, a transportation network company who is subject to the provisions of Sections 1 - 149, inclusive, shall not interrupt any service established pursuant to the provisions of NRS chapter \_\_\_, inclusive, for more than 48 hours in any 180-day period without filing a petition and obtaining an order granting the petition from the Authority. The Authority will give public notice and, if a protest is filed, hold a hearing on the petition before granting the petition. The Authority may hold a hearing on the petition if no protests are filed. If the Authority does not act on the petition within 45 days after its filing, the petitioner may temporarily suspend operations until a final order is entered by the Authority.*

*2. A carrier who interrupts such service for less than 48 hours must provide notice to the Authority if the service being interrupted is the transportation of passengers. A notice required pursuant to this subsection must include, without limitation, the justification for the*

*interruption of service. Financial or economic hardship may not be used to justify such an interruption. An interruption of less than 48 hours may not be renewed or extended unless the carrier files a petition and obtains an order in accordance with subsection 1.*

*3. If an interruption of service for more than 48 hours is caused by an unforeseeable event which is beyond the control of the carrier, the carrier must provide written notice to the Authority within 24 hours after the event. If service is not resumed within 10 days after such an interruption, the carrier must file a petition in accordance with subsection 1.*

*4. An order of the Authority granting the temporary interruption of service expires 180 days after the date on which the petition was filed. If the carrier has not resumed service on a permanent basis upon the expiration of such an order, the staff of the Authority shall, within 30 days after the expiration of the order, forward a recommendation to the Authority stating whether the Authority should issue an order to show cause why the permit of the carrier should not be revoked.*

**Sec. 60.** *Use of vehicles beyond scope of authority prohibited. (AB176, Sec. 46) The vehicles of an authorized carrier must not be used for transportation services beyond the scope of the authority of that carrier, even if the services are resold by a broker.*

**Sec. 61.** *Compensation for services of driver. (AB176, Sec. 46) A driver shall not accept any form of compensation for that service from any person except the transportation network company. Gratuities may be accepted only if processed and paid through the transportation network company.*

## **Drivers**

**Sec. 62.** *Prohibited acts. (AB176, Sec. 46, AB176, Sec. 38) A driver:*

*1. Shall not divert or attempt to divert a prospective customer from any commercial establishment.*

*2. Except as authorized by the transportation network company or the Authority, shall not allow any other person within his or her vehicle unless that person is a passenger who is being transported for a fare, or the guest of such a passenger.*

**Sec. 63.** *Driver hours of service. (AB176, Sec. 46)*

*1. A driver shall not, and a transportation network company shall not permit a driver to remain on duty for longer than 12 consecutive hours unless the driver is involved in a trip that commenced within a reasonable period before the end of a period of 12 consecutive hours.*

*2. For purposes of this section, a driver shall be deemed on duty at any time the driver is providing transportation services on behalf of a transportation network company or logged into the digital network or software application service of a transportation network company.*

*3. Notwithstanding any provision of this section to the contrary, a driver shall not under any circumstances be on duty longer than 16 hours within a period of 24 consecutive hours.*

*4. A driver who has completed an on-duty period of 12 hours or more:*

*(a) Shall not resume driving; and*

*(b) Must not be knowingly allowed or required by a transportation network company to resume driving,*

☐ *unless the driver has been off duty for at least 8 consecutive hours.*



5. *Except as otherwise provided in subsection 1, a transportation network company shall not knowingly require or allow any driver to be on duty longer than 12 consecutive hours.*

6. *A transportation network company shall provide an appropriate and accurate method for tracking the hours that its drivers work. The method must be approved by the Authority before use by the transportation network company.*

**Sec. 64. Drivers: Standards of conduct. (AB176, Sec. 46, AB176, Sec. 31, AB176, Sec. 39)**  
*During his or her shift, a driver:*

1. *Shall not engage in verbal arguments or acts of physical violence.*
2. *Shall not allow more than eight occupants, including the driver, in his or her vehicle at any one time.*
3. *Shall not operate a vehicle if the driver is suffering from any illness or physical or mental disorder that may impair his or her ability to operate a vehicle safely.*
4. *Shall not operate a vehicle while taking drugs that may impair his or her ability to operate a vehicle safely.*

**Sec. 65. Drivers: Use of vehicle for crime. (AB176, Sec. 46)** *A driver shall not willfully, knowingly or intentionally use the driver's vehicle or his or her employment to facilitate the commission of a crime, or allow the use of his or her vehicle by another person as a means of facilitating the commission of a crime.*

**Sec. 66. Drivers: Applicability of statutes and regulations. (AB176, Sec. 46)** *The Authority will deem that a driver who is on-call, as that term is defined in this chapter, is subject to the provisions of this chapter of the NAC and chapter \_\_\_ of NRS.*

### **Inspection and Maintenance**

**Sec. 67. Vehicle inspection and registration. (AB176, Sec. 27, AB176, Sec. 46)**

1. *Before permitting a vehicle to be placed into service by or through a transportation network company, the transportation network company shall provide an affidavit to the Authority confirming the vehicle has met all of the requirements contained within AB 176, section 31;*
2. *Upon receipt of documentation identified in subsection 1 of this section, the Authority may issue a decal for such vehicle which:*
  - (a) *Shall be affixed to the lower right hand corner of the vehicle's windshield, or the transportation network company may design and affix its own decal with permission of the Authority;*
  - (b) *Is non-transferable; and*
  - (c) *Expires on June 30th of each year.*

**Sec. 68. Inspection of vehicles by Authority; removal of vehicles from service; maintenance of records. (AB176, Sec. 46)**

1. *A vehicle operated pursuant to a transportation network company permit may be inspected at any time while on call by an authorized employee of the Authority.*
2. *If the authorized employee of the Authority finds that a vehicle is in a condition which*

*poses an immediate and substantial threat to the safety of the public or passengers of the vehicle, he or she shall immediately remove the vehicle from service by placing a sticker on the windshield indicating the vehicle is immediately removed from service.*

*3. A vehicle removed from service pursuant to subsection 2 must remain out of service until the defect is repaired and a notice of repair is filed by the transportation network company with the Authority.*

*4. An authorized carrier shall maintain current records for each driver and of the inspection, maintenance and repairs of each vehicle. These records must be maintained and made available for inspection by the Authority pursuant to Section 47.*

#### **Practice Before Nevada Transportation Authority**

**Sec. 69. Scope; applicability of Nevada Rules of Civil Procedure. (NRS 233B.050, AB176, Sec. 46)**

*1. Sections 69 - 149, inclusive, govern practice before the Authority.*

*2. To the extent that any action before the Authority is not covered by the provisions of Sections 69 - 149, inclusive, the Authority may, to the extent it deems appropriate, use the applicable rule of the Nevada Rules of Civil Procedure.*

**Sec. 70. Construction. (NRS 233B.050, AB176, Sec. 46)** *The provisions of Sections 69 - 149, inclusive, and any regulations incorporated by reference will be construed by the Authority or presiding officer so as to secure a just and speedy determination of the issues.*

**Sec. 71. Nature of proceedings. (NRS 233B.050, AB176, Sec. 46)** *Proceedings before the Authority are investigative on the part of the Authority, although the proceedings may be conducted in the form of adversary proceedings.*

**Sec. 72. Parties: Classification of parties. (NRS 233B.050, AB176, Sec. 46)**

*1. According to the nature of the proceedings before the Authority and the relationships of the parties to the proceedings, a party to a proceeding must be styled an applicant, petitioner, complainant, respondent or protestant.*

*2. A person applying in the first instance for a privilege, right or authorization from the Authority must be styled an "applicant."*

*3. A person who complains to the Authority of an act by a person subject to the jurisdiction of the Authority must be styled a "complainant."*

*4. A person, other than a complainant or an applicant, petitioning for affirmative relief must be styled a "petitioner."*

*5. Any person, including, without limitation, a state or local governmental entity, who objects to an application, petition or other matter and who files a protest pursuant to Section 100 or makes a statement at a hearing must be styled a "protestant." The filing of a protest does not make the protestant a party of record.*

*6. A person against whom a complaint is filed or a person who is the subject of an official investigation by the Authority must be styled a "respondent."*

**Sec. 73. Parties: Notice to parties. (NRS 233B.050, AB176, Sec. 46)**

*1. The Authority will provide notice of the pendency of any matter before the Authority to the parties to the matter.*

2. *The notice of pendency will specify that the party may, within 10 days after the date of the notice, request a hearing on the matter.*

3. *If no request for a hearing is received by the Authority, it will dispense with a hearing and act upon the matter unless it finds that a hearing is necessary.*

**Sec. 74. Parties: Rights of staff of Authority. (NRS 233B.050, AB176, Sec. 46)** *The staff of the Authority may appear, be represented by the Attorney General and may otherwise participate in all proceedings before the Authority.*

**Sec. 75. Parties: Rights of parties. (NRS 233B.050, AB176, Sec. 46)**

1. *At any proceeding before the Authority, each party of record is entitled to enter an appearance, introduce evidence, examine and cross-examine witnesses, make arguments, make and argue motions and generally participate in the proceeding to the extent allowed by the presiding officer.*

2. *The presiding officer shall acknowledge a protestant for the purpose of making a statement.*

**Sec. 76. Parties: Appearances. (NRS 233B.050, AB176, Sec. 46)** *A party may enter an appearance at the beginning of a hearing or at some other time designated by the presiding officer by giving his or her name and address. If a person is appearing on behalf of a party, the person must also identify the party he or she represents.*

**Sec. 77. Parties: Representation of parties; qualifications of attorneys. (NRS 233B.050, AB176, Sec. 46)**

1. *A party may represent himself or herself or may be represented by an attorney. Any other person who satisfies the Authority or presiding officer that he or she possesses the expertise to render valuable service to the Authority, and that he or she is otherwise competent to advise and assist in the presentation of matters before the Authority, may be allowed to appear on behalf of a party or parties.*

2. *An attorney at law appearing as legal counsel in any proceeding must be duly admitted to practice and in good standing before the highest court of any state. If an attorney is not admitted and entitled to practice before the Supreme Court of Nevada, he or she must associate with an attorney so admitted and entitled to practice.*

**Sec. 78. Parties: Withdrawal of representative. (NRS 233B.050, AB176, Sec. 46)** *A representative wishing to withdraw from a proceeding before the Authority must provide written notice of his or her intent to withdraw to the Authority and each party to the proceeding.*

**Sec. 79. Parties: Conduct required. (NRS 233B.050, AB176, Sec. 46)**

1. *Any person appearing in a proceeding must conform to recognized standards of ethical and courteous conduct required of practitioners before the courts of this State.*

2. *Contumacious conduct by any person at any hearing before the Authority is a ground for the exclusion of that person from that hearing and for summary suspension of that person from further participation in the proceedings. The Authority will bar any person excluded*

*pursuant to this subsection from attending any further proceedings of the Authority unless the Authority grants a petition by that person pursuant to subsection 3.*

*3. Any person excluded from proceedings of the Authority pursuant to subsection 2 may petition the Authority to rescind the exclusion. The Authority will grant the petition if it finds sufficient evidence that the contumacious conduct which led to the exclusion of the person will not reoccur.*

**Sec. 80. Confidentiality of information: Definitions.** (NRS 233B.050, AB176, Sec. 46) *As used in Sections 80 - 89, inclusive, unless the context otherwise requires, the words and terms defined in Sections 81 - 83 have the meanings ascribed to them in those sections.*

**Sec. 81. Confidentiality of information: "Information" defined.** (NRS 233B.050, AB176, Sec. 46) *"Information" means any books, accounts, records, minutes, reports, papers and property of a person which are in the possession of, or have been provided to, the Authority.*

**Sec. 82. Confidentiality of information: "Person" defined.** (NRS 233B.050, AB176, Sec. 46) *"Person" means a natural person, any form of business or social organization and any other legal entity, including, without limitation, a corporation, partnership, association, trust, unincorporated organization, government, governmental agency or political subdivision of a government.*

**Sec. 83. Confidentiality of information: "Protective agreement" defined.** (NRS 233B.050, AB176, Sec. 46) *"Protective agreement" means an agreement pursuant to which a person agrees not to disclose, or otherwise make public, the information requested to be confidential and which specifies the manner in which the confidentiality of the information is to be treated.*

**Sec. 84. Confidentiality of information: Applicability.** (NRS 233B.050, AB176, Sec. 46) *The provisions set forth in Sections 80 - 89, inclusive, apply to all proceedings before the Authority or presiding officer.*

**Sec. 85. Confidentiality of information: Request for confidential treatment of information; procedure; responsibilities of Authority; hearing.** (NRS 233B.050, AB176, Sec. 46)

*1. A person who requests that information, which is in the possession of the Authority and pertains to that person, not be disclosed must submit to:*

*(a) The Deputy Commissioner, one copy of the document which contains the information in an unredacted form. The document must be placed in a sealed envelope, and the envelope and each page of the document must be stamped with the word "Confidential."*

*(b) The Authority, a copy of the document which redacts the information for which the confidential treatment is requested and such additional copies of the redacted document as requested by the Authority. The Authority may not request more than nine additional copies of the redacted document.*

*2. A request that information not be disclosed must be served on the staff of the Authority and must:*

*(a) Describe with particularity the information to be treated as confidential information;*

*(b) Specify the grounds for the claim of confidential treatment of the information; and*

*(c) Specify the period during which the information must not be disclosed.*

3. *Public disclosure of only those specific portions of a filing which contain information for which confidentiality is requested will be withheld or otherwise limited.*

4. *If the information for which confidentiality is requested is part of an application, petition or other initial filing, the application, petition or filing must comply with the provisions of this section. The initial notice issued by the Authority pursuant to Section 73 will state that certain information contained in the application, petition or filing has been requested to be treated as confidential information.*

5. *The Authority is responsible for the custody, maintenance and return or disposal of confidential information in the possession of the Authority and will:*

*(a) Maintain the confidential information separate and apart from all other records of the Authority; and*

*(b) Adequately safeguard access to such information and ensure that confidential information is not divulged to unauthorized persons.*

6. *To determine whether to accord confidential treatment to information pursuant to Sections 80 - 89, inclusive, the presiding officer may review the information in camera.*

7. *Notwithstanding the other provisions of this section, the staff of the Authority is entitled to receive information designated as confidential in accordance with Sections 80 - 89, inclusive, if the staff of the Authority has executed a protective agreement.*

**Sec. 86. Confidentiality of information: Prepared testimony containing or addressing information designated as confidential. (NRS 233B.050, AB176, Sec. 46)** *For information that has been determined to be confidential, the Authority will or the presiding officer shall, in addition to the other procedures set forth in Sections 80 - 89, inclusive:*

*1. Require that the prepared testimony which contains the confidential information not be disclosed except as otherwise specified in a protective agreement or a protective order issued by the Authority or presiding officer; or*

*2. Unless otherwise agreed upon by the parties involved, require that the portion of the prepared testimony of a person which may address the confidential information be submitted to the party who had requested that the information not be disclosed, before the date on which the prepared testimony is to be submitted to the Authority or other parties.*

**Sec. 87. Confidentiality of information: Contents of protective order issued with regard to information designated as confidential. (NRS 233B.050, AB176, Sec. 46)** *If the Authority or presiding officer determines that a protective order should be issued with regard to the information designated as confidential, the Authority will or the presiding officer shall, issue a protective order which:*

*1. Describes generally the nature of the confidential information and the procedures to be used to protect the confidentiality of the information.*

*2. Specifies the period during which the disclosure of the information to the public will be withheld or otherwise limited.*

*3. Specifies the procedures to be used by each person during the pendency of the proceedings to ensure the confidentiality of the information.*

*4. Specifies the procedures for handling or returning the confidential information, as appropriate, upon the close of the proceedings or at the end of the period for which the information is to be treated as confidential.*

*5. Requires that the confidential information not be disclosed, except as:*

- (a) *May be agreed upon by the parties pursuant to a protective agreement; or*
  - (b) *Otherwise directed by the Authority or presiding officer.*
- 6. *Specifies the procedures to be used at the time of the evidentiary hearing to protect the confidentiality of the information.*
- 7. *Requires such other action as the Authority or presiding officer deems appropriate under the circumstances.*

**Sec. 88. Confidentiality of information: Appeal of determination by presiding officer regarding treatment of confidential information; disclosure of information not designated confidential. (NRS 233B.050, AB176, Sec. 46)**

1. *Any determination by the presiding officer regarding the treatment of confidential information may be appealed to the full Authority pursuant to Section 125. The information will be subject to public disclosure 3 business days after the date on which the presiding officer issues his or her order denying the request for confidentiality unless:*

- (a) The party who made the request appeals the decision of the presiding officer to the full Authority; or*
- (b) Otherwise required by the order of a court of competent jurisdiction or agreed upon by the parties involved.*

2. *If the Authority determines that the disclosure of information requested to be treated as confidential information is justified, the Authority will:*

- (a) Issue an order to that effect; and*
- (b) Unless otherwise required by the order of a court of competent jurisdiction or agreed upon by the parties involved, continue to protect the information from public disclosure for the next 3 business days after the date on which the order denying the confidential treatment of the information is issued.*

**Sec. 89. Confidentiality of information: Disclosure of information designated as confidential; penalties. (NRS 233B.050, AB176, Sec. 46)**

1. *During the pendency of a proceeding, any person who receives information which has been designated as confidential pursuant to Sections 80 - 89, inclusive:*

*(a) Shall not disclose the information unless the confidentiality of the information is waived. The confidentiality of information shall be deemed to be waived if:*

*(1) The person who requested that the information not be disclosed makes the information available to the public or otherwise authorizes the disclosure of the information; or*

*(2) The Authority or presiding officer enters an order which authorizes the disclosure of the information.*

*(b) May request, at any time, that the Authority or presiding officer make a determination that the disclosure of the information is justified. The person may accompany his or her request with a sealed copy of the unredacted document or information.*

2. *The person seeking to have the information protected from disclosure has the burden of proof to demonstrate that the information sought to be disclosed is entitled to that protection.*

3. *Information which is the subject of an agreement or a protective order will be provided only to the staff of the Authority.*

4. *A person, a party, the legal counsel of a party or the expert designated by a party who:*



- (a) Violates the procedures of the Authority or presiding officer for protecting information;*
  - (b) Fails to obey a protective order issued by the Authority or presiding officer;*
  - (c) Violates the terms or conditions of a protective agreement; or*
  - (d) Violates any other prohibition of the disclosure of information designated as confidential pursuant to Sections 80 - 89, inclusive,*
- ☐ *is subject to the penalties and civil remedies prescribed in AB176, Sec. 42.*

**Sec. 90. Pleadings: Captions, amendments and construction. (NRS 233B.050, AB176, Sec. 46)**

- 1. Pleadings before the Authority must be styled applications, petitions, complaints, answers, motions and protests.*
- 2. If not otherwise prohibited by law and if substantial rights of the parties will not be prejudiced, the Authority will allow any pleading to be amended or corrected or any omission in the pleading to be cured.*
- 3. The Authority will and the presiding officer shall liberally construe the pleadings and disregard any defects which do not affect the substantial rights of any party.*

**Sec. 91. Pleadings: Applications. (NRS 233B.050, AB176, Sec. 46)**

- 1. A pleading requesting a privilege, right or authority from the Authority must be styled an "application."*
- 2. An application must set forth:*
  - (a) The full name, mailing address and telephone number of the applicant and the full name, mailing address and telephone number of the authorized representative or attorney of the applicant, if applicable;*
  - (b) All material facts that the applicant is prepared to prove and upon which the Authority may base a decision to grant the request;*
  - (c) Required exhibits and such other exhibits as the applicant deems appropriate;*
  - (d) A request for the order, authorization, permission, certificate, relief or permit desired; and*
  - (e) A reference to the particular statutes or regulations requiring or supporting the requested action.*

**Sec. 92. Pleadings: Petitions. (NRS 233B.050, AB176, Sec. 46)**

- 1. A pleading praying for affirmative relief, other than an application, motion, answer or complaint, must be styled a "petition."*
- 2. If the subject of any desired relief is not readily apparent or specifically covered by Sections 1 – 149, inclusive, a petition seeking that relief and stating the reasons relied upon may be filed. The petition will be handled in the same manner as other petitions.*
- 3. If the Authority does not grant, deny or set a petition for further proceedings within 60 days after the date on which the petition is received by the Authority, the petition shall be deemed denied.*
- 4. If the Authority sets a petition for further proceedings, the Authority will rule on the petition within 120 days after the date on which the Authority set the petition for further proceedings.*

**Sec. 93. Pleadings: Petition to adopt, amend or repeal regulation. (NRS 233B.050, AB176, Sec. 46)**

1. *If a petition requests the adoption of a proposed regulation, it must include, without limitation, the full text of the proposed regulation and the reasons for the requested adoption.*

2. *If a petition requests the amendment or repeal of an existing regulation, it must include, without limitation:*

(a) *The regulation or that portion of the regulation in question and the suggested amendment; and*

(b) *The reason for the amendment or repeal of the regulation.*

3. *The Authority will convene to consider each petition submitted in accordance with this section and will notify the petitioner within 30 days after the petition is filed of the disposition of the petition.*

**Sec. 94. Pleadings: Motions. (NRS 233B.050, AB176, Sec. 46)**

1. *Any request for an order by the Authority, except for an order to allow intervention or an order to show cause, concerning any matter that has been assigned a docket number but has not been finally decided by the Authority must be styled a "motion."*

2. *A motion must be in writing unless made during a hearing. If a motion is made during a hearing, the motion may be written or oral. Oral motions must be timely made.*

3. *The presiding officer may order the parties to file one or more affidavits in support or contravention of a motion which has been made.*

4. *A motion must include, without limitation, citations of any authorities upon which the motion relies.*

5. *A written motion must be filed with the Authority and served upon all parties of record.*

6. *The presiding officer may direct that any motion made at a proceeding be reduced to writing, and filed and served in accordance with this section.*

7. *A motion that involves the final determination of a proceeding, including, without limitation, a motion to dismiss, will be considered by the Authority at the time of the final decision and order, unless the presiding officer or the Authority determines that an expedited ruling would be in the public interest.*

8. *The presiding officer may rule on any motion made at a hearing which does not constitute a final determination of the proceeding.*

9. *A written motion other than one made during a proceeding must be served not later than 10 days before the date set for the hearing unless a different time is specified by the presiding officer.*

10. *Motions filed by different parties of record but involving the same point of law may be set for hearing at the same time.*

11. *For the purpose of this section, "party of record" includes, without limitation, all persons who have filed petitions for leave to intervene which are pending at the time a motion is to be filed or served.*

**Sec. 95. Pleadings: Responses to motions. (NRS 233B.050, AB176, Sec. 46)**

1. *Any party of record against whom a motion is directed may file a response to the motion. A response must be in writing unless made during a hearing. If made during a hearing, a response may be written or oral.*

2. *A written response must be:*

- (a) Served upon each party of record.*
- (b) Filed with the Authority not later than 7 days after receipt of service of the motion, unless otherwise directed by the presiding officer.*

**Sec. 96. Pleadings: Requirements for format; signature; request for hearing. (NRS 233B.050, AB176, Sec. 46)**

- 1. Pleadings must:*
  - (a) Be properly titled.*
  - (b) Be signed in ink by each party or an authorized person.*
  - (c) Include the name and address of each party and, if represented, the name, address and telephone number of the authorized representative or attorney of the party.*
  - (d) Except an initial pleading, clearly identify the proceeding by title and docket number.*
  - (e) Set forth a clear and concise statement of the matters relied upon as a basis for the action or relief requested and an appropriate prayer.*
  - (f) Be typewritten, printed or reproduced in at least 12-point type on good quality white paper, which is approximately 8 1/2 by 11 inches in size. Any exhibit or appendix accompanying the pleading must be folded to this size. Information must be presented on only one side of the paper and must be double spaced, except for footnotes or quotations which are indented. All copies must be clear and permanently legible.*
- 2. A pleading initiating a new proceeding must have space for the docket number.*
- 3. Regardless of any error in the designation of a pleading, the Authority will accord the pleading its true status in the proceeding in which it is filed.*
- 4. A signature on the pleading constitutes a representation that:*
  - (a) The person signing the pleading has read the pleadings;*
  - (b) To the best of his or her knowledge, there are good grounds to support the pleading;*
  - (c) The information in the pleading is true to the best of his or her knowledge and belief;**and*
  - (d) The pleading is not filed solely to delay the proceeding.*
- 5. If a person filing a pleading desires a hearing on the matter, a request for a hearing must be stated in the pleading.*

**Sec. 97. Pleadings: Filing of pleading. (NRS 233B.050, AB176, Sec. 46)** *Except as otherwise provided in this section, the original of all pleadings and such additional legible copies as requested by the staff of the Authority must be filed at the office of the Authority in Las Vegas. The staff of the Authority may not request more than nine additional copies of pleadings. If a written protest is made, only the original is required to be filed. The presiding officer may require the parties to file additional copies if needed.*

**Sec. 98. Pleadings: Answers. (NRS 233B.050, AB176, Sec. 46)**

- 1. A party to a proceeding who desires to contest a petition, an order to show cause or a complaint or make any representation about it to the Authority may file an answer with the Authority.*
- 2. An answer to an order to show cause or a complaint must:*
  - (a) Be in writing; and*

*(b) Specifically admit or deny each material allegation and state any new matter constituting a defense. Matters alleged by way of an affirmative defense must be separately stated and numbered.*

*3. If an amendment or correction to a pleading is filed before the filing of an answer, the time within which to answer will be computed from the date of service of the amendment or correction unless the Authority or presiding officer directs otherwise.*

*4. Except as otherwise ordered by the Authority, the facts set forth in an amendment or correction shall be deemed admitted if an answer to the amendment or correction is not filed. If a party wishes to answer an amendment or correction, he or she must file an answer within 15 days after the service of the amendment or correction unless the Authority or presiding officer directs otherwise.*

*5. Amendments or corrections made after the filing of an answer need not be answered.*

*6. Failure to file an answer or failure to indicate a jurisdictional defect in an answer does not waive the right to object to a jurisdictional defect.*

**Sec. 99. Pleadings: Answers to petitions. (NRS 233B.060, AB176, Sec. 46)** *An answer to a petition must:*

- 1. Be in writing;*
- 2. Be written so as to advise the Authority and parties of record fully of the nature of the answer;*
- 3. Contain a separate statement and number for each material element of the answer;*
- 4. Be signed by the answering party or, if represented, by his or her attorney or other authorized representative;*
- 5. Include the full name, address and telephone number of the answering party; and*
- 6. Be filed with the Authority within 15 days after service of the petition to which the answer is directed, unless the Authority shortens or extends this time.*

**Sec. 100. Pleadings: Protests. (NRS 233B.050, AB176, Sec. 46)**

*1. Any objection by a person, who is not a party of record, to an application, petition or other matter must be styled a "protest."*

*2. A written protest must legibly set forth a clear statement of the matter to which an objection is made.*

*3. The Authority will make available a copy of a written protest to the parties against whom it is directed.*

*4. Even if a hearing on a written protest is not required by law, the Authority will notify the parties of record and hold such a hearing if the public interest will be served.*

*5. A protest at a hearing may be oral or written.*

*6. At a hearing, the presiding officer shall allow any protestant to enter an appearance in the proceeding. A protestant who desires to participate as a party of record in a proceeding must file a written petition for leave to intervene unless the presiding officer upon good cause shown allows an oral petition for leave to intervene. A protestant is entitled to participate as a party of record only to the extent that leave to intervene is granted.*

**Sec. 101. Pleadings: Service of process. (NRS 233B.050, AB176, Sec. 46)**

1. All documents required to be served on a party by any other party may be served in person or by mail. If the service is by mail, the service is complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

2. After the commencement of a proceeding, a copy of each pleading to be filed with the Authority must be served by the pleading party on every other party of record. If a party of record is represented by an authorized representative or an attorney, service must be made on that representative or attorney. Service must be made before or concurrently with the filing of the pleading with the Authority.

3. Upon the advance request of another party, a party serving a document shall telephone the requesting party when the document is ready to be served so that it may be accepted personally by the requesting party in lieu of service by mail.

**Sec. 102. Pleadings: Proof of service. (NRS 233B.050, AB176, Sec. 46)** There must appear on all documents required to be served an acknowledgment of receipt of service or the following certificate:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy thereof in person to .....)  
by mailing a copy thereof, properly addressed, with postage prepaid to  
..... Dated at ....., this .....(day) of .....(month) of  
.....(year)

.....  
Signature

**Sec. 103. Oral or informal written complaints: Disposition. (NRS 233B.050, AB176, Sec. 46)**

1. The staff of the Authority shall attempt to resolve any oral or informal written complaint made by a customer against a transportation network company or broker.

2. The staff of the Authority may request that the customer provide a written confirmation of an oral complaint.

3. The staff of the Authority shall, within 20 days after receiving an informal written complaint, send a copy of the complaint to the transportation network company or broker against which the complaint is made. The staff may require the transportation network company or broker to file a response to the informal written complaint with the staff pursuant to Section 105.

4. The staff of the Authority shall examine an oral or informal written complaint, any response and any other information obtained by the staff that is necessary for the resolution of the complaint.

5. After completing an investigation of the matter set forth in an oral or informal written complaint, the staff of the Authority shall:

- (a) Notify the parties to the complaint of the results of the investigation; and
- (b) Recommend any action that the parties should take to resolve the complaint.

6. The staff of the Authority shall inform a customer of his or her right to file a formal complaint if the customer is not satisfied with the resolution of his or her oral or informal written complaint pursuant to this section.

**Sec. 104. Formal written complaints: General requirements. (NRS 233B.050, AB176, Sec. 46)**

**1. A formal written complaint, other than a formal written complaint filed by a transportation network company or broker pursuant to Section 110, must:**

**(a) Clearly and concisely state the grounds of the complaint and the facts constituting the alleged wrongful acts or omissions;**

**(b) Be accompanied by copies of all supporting documents, such as invoices, bills of lading, cancelled checks and statements of account;**

**(c) Include the name and address of the complainant and, if he or she is being represented by an attorney or other authorized representative, the name, address and telephone number of the attorney or authorized representative;**

**(d) Include the name of the transportation network company or broker against whom the complaint is being made;**

**(e) Include the date of each act or omission that is the subject of the complaint;**

**(f) Include the nature of the relief sought; and**

**(g) Include the signature of the complainant or the attorney or authorized representative of the complainant.**

**2. The staff of the Authority shall maintain a record of each formal written complaint, including, without limitation:**

**(a) Each pertinent fact relative to the origin, nature and basis of the complaint;**

**(b) A description of each action that the complainant has taken or attempted to take to resolve the complaint;**

**(c) The response of the transportation network company or broker to the complaint, with copies of supporting documents, if any; and**

**(d) Any other information the staff deems to be relevant to the understanding and resolution of the complaint.**

**3. The staff of the Authority shall:**

**(a) Within 15 days after receiving a formal written complaint, send a letter of acknowledgment to the complainant.**

**(b) Within 20 days after receiving a formal written complaint, send a copy of it to the transportation network company or broker against which the complaint is made and require the transportation network company or broker to file a response to the complaint with the staff pursuant to Section 105.**

**Sec. 105. Complaints: Response. (NRS 233B.050, AB176, Sec. 46)**

**1. A transportation network company or broker which receives a request for a response to a complaint shall file with the staff of the Authority a written response to the request within 15 days after receiving the complaint unless, for good cause shown, the staff extends the time for responding.**

**2. The response must include, without limitation:**

**(a) A statement that the respondent has successfully resolved the complaint; or**

**(b) A detailed admission or denial of each material allegation of the complaint and a full statement of the facts and matters of law relied upon as a defense.**

**3. The response must:**

**(a) Be signed by the respondent or, if represented, by the attorney or other authorized representative.**



*(b) Include the full name, address and telephone number of the respondent and, if represented, the name, address and telephone number of the attorney or other authorized representative of the respondent.*

*4. If the respondent fails to file a response with the staff of the Authority within the prescribed time, the staff shall place the matter before the Authority for a determination of probable cause. An unexcused failure of the respondent to respond to the complaint within the prescribed time shall be deemed an admission by the respondent of all relevant facts stated in the complaint.*

**Sec. 106. Formal written complaints: Investigation and recommendation of action by staff of Authority. (NRS 233B.050, AB176, Sec. 46)**

*1. When the staff of the Authority receives a response to a formal written complaint, it shall examine the complaint, the response and any other information it has obtained which is necessary for the resolution of the complaint.*

*2. After completing an investigation of the matter set forth in the formal written complaint, the staff of the Authority shall notify all parties of the results of the investigation and shall recommend any action that the parties should take to resolve the complaint.*

**Sec. 107. Formal written complaints: Transmittal of unresolved complaint to Authority. (NRS 233B.050, AB176, Sec. 46)**

*1. If the staff of the Authority cannot resolve a formal written complaint, either because it determines that the complaint cannot be resolved or the complainant is not satisfied with the recommendation of the staff, the staff shall inform all parties that the complaint has been transmitted to the Authority for review.*

*2. In addition to transmitting the formal written complaint, the results of its investigation and its recommendation to the Authority, the staff of the Authority shall transmit:*

*(a) The reasons for the complaint;*

*(b) The position taken by the respondent; and*

*(c) Any interim action taken by the staff.*

☐ *The staff shall send this additional information to the complainant and respondent.*

**Sec. 108. Formal written complaints: Dismissal. (NRS 233B.050, AB176, Sec. 46)** *If the Authority determines that no probable cause exists for a formal written complaint received by the staff of the Authority or if the complaint has been settled and the Authority has received notice of the settlement, the Authority will dismiss the complaint. A copy of the entry in the minutes of the Authority showing the dismissal of the complaint by the Authority and a short statement of the reasons for the dismissal will be served upon the complainant and respondent.*

**Sec. 109. Formal written complaints: Public hearing; interim relief. (NRS 233B.050, AB176, Sec. 46)** *If the Authority determines that probable cause exists for a formal written complaint received by the staff of the Authority, it will:*

*1. Set a date for a public hearing on the complaint.*

*2. Order appropriate interim relief. If the complaint relates to bills or deposits, the Authority, without hearing or formal order and in the absence of unusual circumstances, will, upon such terms and conditions as it deems appropriate, forbid discontinuance of service or the issuance of any notice of discontinuance during the investigation of the complaint.*

**Sec. 110. Formal written complaints filed by transportation network companies, brokers, or motor carriers. (NRS 233B.050, AB176, Sec. 46)**

1. *The Authority will directly investigate any formal written complaint filed by a transportation network company, broker or certificated motor carrier.*

2. *Such a complaint must be in writing and contain:*

(a) *The name and address of the complainant and, if represented, the name, address and telephone number of his or her attorney or other authorized representative.*

(b) *The name of the transportation network company or broker against which the complaint is made.*

(c) *A complete statement of the grounds for the complaint, including whenever possible, reference to each statute or regulation which is alleged to have been violated.*

(d) *The date of each act or omission complained of.*

(e) *The nature of the relief sought.*

□ *The formal written complaint must be signed by the complainant or, if represented, by his or her attorney or other authorized representative.*

3. *Two or more grounds of complaint concerning the same subject may be included in one formal written complaint, but the grounds must be separately stated and numbered. Two or more transportation network companies, brokers or motor carriers may join in one formal written complaint if their respective causes of action are against the same respondent and deal with substantially the same alleged violation.*

4. *The complainant shall serve a copy of the formal written complaint on the respondent. Proof of service must be made by affidavit signed by the complainant or, if represented, by his or her attorney or other authorized representative.*

**Sec. 111. Hearings: Prehearing conference. (NRS 233B.050, AB176, Sec. 46)**

1. *If a proceeding appears to involve complex or multiple issues, the presiding officer may hold a prehearing conference to accomplish one or more of the following purposes:*

(a) *Formulate or simplify the issues involved in the proceeding.*

(b) *Obtain admissions of fact or any stipulation of the parties.*

(c) *Arrange for the exchange of proposed exhibits or prepared expert testimony.*

(d) *Identify the witnesses and the subject matter of their expected testimony and limit the number of witnesses, if necessary.*

(e) *Rule on any pending procedural motions, motions for discovery or motions for protective orders.*

(f) *Establish a schedule for the completion of discovery.*

(g) *Establish any other procedure which may expedite the orderly conduct and disposition of the proceedings.*

2. *Notice of any prehearing conference will be provided to all parties of record. Unless otherwise ordered for good cause shown, the failure of a party to attend a prehearing conference constitutes a waiver of any objection to the agreements reached or rulings made at the conference.*

3. *The action taken and the agreements made at a prehearing conference:*

(a) *Must be made a part of the record.*

(b) *Control the course of subsequent proceedings unless modified at the hearing by the presiding officer.*

*(c) Are binding upon all parties and persons who subsequently become parties to the proceeding.*

*4. In any proceeding the presiding officer may call all the parties together for a conference before the taking of testimony or may recess the hearing for such a conference to carry out the intent of this section. The presiding officer will state on the record the results of such a conference.*

**Sec. 112. Hearings: Notice of hearing. (NRS 233B.050, AB176, Sec. 46)**

*1. In addition to complying with the requirements of NRS 233B.121 for a notice of hearing in a contested case, the Authority will include the words “notice of hearing” in any such notice.*

*2. The Deputy Commissioner shall file or cause to be filed an affidavit of publication with the Authority.*

*3. The Authority will cause such a notice to be published in an advertisement of at least 1 column inch by 3 inches, with a border on all sides, in newspapers selected as follows:*

*(a) If the Deputy Commissioner determines that the subject matter of the hearing will have a statewide effect, the notice will be published at least once in four or more newspapers of general circulation, which are published in this State, no two of which are published in the same county; or*

*(b) If the Deputy Commissioner determines that the subject matter of the hearing will have an effect on a limited number of counties only, the notice will be published once in a newspaper of general circulation published in each county where affected members of the public reside. If there is no newspaper published in a county where affected members of the public reside, the notice will be published in a county adjacent to the county.*

*4. The Authority will serve notice of a hearing on the parties of record and publish the notice at least 10 days before the time set for the hearing.*

*5. A copy of the notice will be posted at each office of the Authority at least 3 days before the date set for the hearing.*

**Sec. 113. Hearings: Continuances. (NRS 233B.050, AB176, Sec. 46)** *The Authority or presiding officer may, for good cause, either before or during a hearing, grant a continuance of the hearing for the convenience of the parties or the Authority.*

**Sec. 114. Hearings: Failure of party to appear or respond. (NRS 233B.050, AB176, Sec. 46)**

*1. If an applicant, petitioner, complainant or intervener fails to appear at the time and place set for hearing, the Authority may dismiss the petition, application, complaint or intervention with or without prejudice, or may, upon good cause shown, recess the hearing to a future date to be set by the Authority to enable the applicant, petitioner or complainant to attend.*

*2. If an applicant, petitioner, complainant or intervener fails to respond to a request for data from the staff of the Authority within 10 working days after the issuance of the request, the person designated by the Authority as the Manager of Transportation shall, at the next regularly scheduled meeting of the Authority, move for dismissal of the application, petition, complaint or intervention.*

**Sec. 115. Hearings: Testimony under oath. (NRS 233B.050, AB176, Sec. 46)** *All testimony to be considered by the Authority in a formal hearing must be sworn testimony except for matters of which official notice is taken or matters entered by stipulation. Before testifying, each witness shall declare, under oath or affirmation, that the testimony he or she is to give at the hearing will be the truth, the whole truth and nothing but the truth.*

**Sec. 116. Hearings: Authority of presiding officer. (NRS 233B.050, AB176, Sec. 46)**

- 1. The presiding officer shall:**
  - (a) Call a hearing to order and take the appearances of the parties who are present.*
  - (b) Hold appropriate conferences before or during the hearing.*
  - (c) Receive and rule on the admissibility of evidence.*
  - (d) Rule on the admissibility of amendments to the pleadings.*
  - (e) Act upon any pending motions or petitions which do not involve a final determination of the proceeding.*
  - (f) Make proposed opinions, findings and conclusions of law.*
  - (g) Issue appropriate interim orders.*
  - (h) Recess the hearing as required.*
  - (i) Rule on all procedural matters.*
  - (j) Set reasonable limits of time for the presentation of oral testimony.*
- 2. At the discretion of the presiding officer, the parties may make opening statements.**

**Sec. 117. Hearings: Order of proceeding. (NRS 233B.050, AB176, Sec. 46)**

**1. Applicants, petitioners or complainants may present their evidence first at a hearing. The presiding officer shall designate the stage of the proceeding at which each protestant or member of the staff of the Authority may be heard. Evidence must be received in the following order unless the presiding officer determines that a special circumstance requires a different order:**

- (a) Upon an application or petition:**
  - (1) Applicant or petitioner;*
  - (2) Staff of the Authority; and*
  - (3) Rebuttal by the applicant or petitioner.*
- (b) Upon a complaint:**
  - (1) Complainant;*
  - (2) Respondent;*
  - (3) Staff of the Authority; and*
  - (4) Rebuttal by complainant.*
- (c) Upon a complaint by the Authority or an order to show cause:**
  - (1) Staff of the Authority;*
  - (2) Respondent; and*
  - (3) Rebuttal by staff of the Authority.*
- 2. A witness may be cross-examined on issues testified to by that witness by:**
  - (a) The Authority;*
  - (b) The Attorney General; and*
  - (c) The staff of the Authority.*
- 3. If there is more than one applicant, petitioner or complainant, the witnesses of all applicants, petitioners or complainants may present direct testimony on an issue before any of**

*these witnesses may be cross-examined on that issue, unless otherwise ordered by the presiding officer.*

*4. If two or more matters are set for hearing at the same time and place, the matter having the lowest docket number will be heard first, unless the presiding officer directs a different order for the convenience of the parties.*

**Sec. 118. Hearings: Conduct of hearing on proposed regulation. (NRS 233B.050, AB176, Sec. 46)** *At a hearing on a proposed regulation, the presiding officer may allow the questioning of those persons submitting statements to clarify testimony. The cross-examination of persons who testify is not allowed. The period for comment may be extended by the Authority so that written comments on statements of other persons which are offered at the hearing may be submitted to the Authority.*

**Sec. 119. Hearings: Order for appearance of witness or production of document. (NRS 233B.050, AB176, Sec. 46)**

*1. A request by a party of record for an order for the appearance of a witness at any designated place of hearing or for the production of a book, paper or document must be made in the form of a written motion filed with the Authority or presiding officer.*

*2. A motion for an order to compel the production of a book, paper or document must set forth the reasons which support the issuance of the order and must identify, as clearly as possible, the book, paper or document desired.*

*3. If the motion is granted, the Authority will issue the order or the presiding officer shall issue the order on behalf of the Authority. Where appropriate, the issuance of the order may be conditioned upon an advancement by the moving party of the reasonable cost of the production of books, papers or documents.*

*4. The Authority will or the presiding officer shall, upon the Authority's or the presiding officer's own initiative or upon a written request by the party to whom the order is directed, quash or modify the order if it is determined to be unreasonable or oppressive.*

*5. The Authority or presiding officer may, upon the Authority's or the presiding officer's own initiative, issue an order requiring the attendance and testimony of witnesses and the production of a book, paper, document or other tangible thing.*

**Sec. 120. Hearings: Objections regarding admissibility of evidence. (NRS 233B.050, AB176, Sec. 46)**

*1. An objection to the admissibility of evidence may be made by any party of record, and the objection must be ruled on by the presiding officer. When an objection is made to the admission or exclusion of evidence, the grounds relied upon must be stated briefly. The presiding officer shall provide an opportunity for a party of record to respond to an objection raised by any other party regarding the admissibility of evidence. The responses must be brief and state the specific grounds relied upon.*

*2. An offer of proof for the record must consist of a statement of the substance of the evidence to which an objection has been sustained.*

**Sec. 121. Hearings: Prepared testimony. (NRS 233B.050, AB176, Sec. 46)**

*1. At the discretion of the presiding officer, a party to a proceeding shall submit a copy of prepared testimony and accompanying exhibits to be presented at a hearing to the Authority and to each party of record.*

*2. An application filed for an adjustment in rates must be accompanied by the prepared testimony of the applicant at the time of filing. If the presiding officer so orders, additional copies of the prepared testimony of the applicant must be provided.*

*3. After delivery of the prepared testimony to the Authority, amendments to the prepared testimony may be made upon approval of the Authority or presiding officer.*

*4. Unless otherwise directed by the presiding officer, prepared testimony must be supported by a signed affirmation by the witness and submitted to the Authority as an exhibit. If circumstances so require, prepared testimony may be read into the record by the witness upon direct examination. The admissibility of prepared testimony will be determined pursuant to Sections 1 -149, inclusive, which govern oral testimony.*

**Sec. 122. Hearings: Documentary evidence. (NRS 233B.050, AB176, Sec. 46)**

*1. An exhibit must be limited in size to 8 1/2 by 11 inches when folded, unless otherwise allowed by the presiding officer. A copy of each documentary exhibit must be furnished to each party of record, and copies of each exhibit must be furnished to the Authority in such number as requested by the staff of the Authority or the presiding officer. The Authority or presiding officer may not request more than 10 copies of each documentary exhibit. A copy must be submitted to the court reporter or transcriber. If relevant evidence is included in a written or printed statement, book or document of any kind containing other matter not relevant and not intended to be put in evidence, the statement, book or document containing that other matter may not be received or admitted in whole. Counsel or other parties offering the evidence or exhibit shall present, in convenient and proper form for filing, a copy of the relevant portions or, at the discretion of the presiding officer, read these portions into the record. Any documentary evidence offered, whether in the form of an exhibit or introduced by reference, is subject to appropriate and timely objection.*

*2. If documents are numerous, such as freight bills or bills of lading, and a party desires to offer into evidence more than a limited number of these documents as typical of the others, an orderly abstract of relevant data contained in these documents may be prepared and offered as an exhibit. Other parties of record may examine both the abstract and the source document.*

*3. In a proceeding involving detailed accounting exhibits, the presiding officer shall require each party to file with him or her and to serve on each party of record a copy of these exhibits within a specified time before the hearing to enable the parties of record to study the exhibits and to prepare cross-examination with reference to them. An amendment to an exhibit may be made after the exhibit has been filed with the presiding officer if it does not prejudice the rights of any party or if it corrects a clerical or mathematical error.*

**Sec. 123. Hearings: Resolutions. (NRS 233B.050, AB176, Sec. 46)**

*1. A properly authenticated resolution of a federal or state agency or division, the governing body of a city, town, county, regional or other municipal corporation or of a chamber of commerce, board of trade, labor union, corporation, commercial, mercantile, agricultural or manufacturing society or other civic organization must be received into*



*evidence if offered by the president, secretary or other proper representative of the corporation or organization.*

*2. The resolution will be received subject to rebuttal by adversely affected parties of record as to either the authenticity of the resolution or the circumstances surrounding its procurement. Recitals of fact contained in a resolution will only be received for the limited purpose of showing the expression of the official action of the resolving body on the matters under consideration in the proceeding.*

**Sec. 124. Hearings: Additional evidence. (NRS 233B.050, AB176, Sec. 46)**

*1. At the hearing, the presiding officer may order the presentation of further evidence on any issue. The presiding officer may authorize the filing of specific documentary evidence as a part of the record within a fixed time after submission of the evidence. The presiding officer shall reserve exhibit numbers for exhibits which are filed late.*

*2. After the hearing and before the entry of a final decision and order, the Authority or presiding officer may issue an order requesting the submission of additional exhibits. Such an order must:*

- (a) Specifically delineate the subject matter to be addressed.*
- (b) Specify the date by which the exhibits must be submitted.*
- (c) Require service of the exhibits upon all parties of record.*

*□A party of record may respond to or comment upon such exhibits.*

**Sec. 125. Hearings: Rulings by presiding officer. (NRS 233B.050, AB176, Sec. 46)**

*1. All rulings made by the presiding officer regarding the admissibility of evidence are subject to review by the Authority. Any pending petition or motion that involves a final determination of the proceeding must be referred to the Authority for determination.*

*2. In extraordinary circumstances, when a prompt decision by the Authority is necessary to promote substantial justice, the presiding officer shall refer the matter to the Authority for determination and may recess the hearing pending the determination.*

**Sec. 126. Hearings: Consolidation. (NRS 233B.050, AB176, Sec. 46)**

*1. The Authority may consolidate two or more dockets in any one hearing when it appears that the issues are substantially the same and that the rights of the parties will not be prejudiced by a consolidated hearing.*

*2. At a consolidated hearing, the presiding officer will determine the order in which the parties introduce their evidence and the general procedure to be followed during the course of the consolidated proceeding.*

*3. The presiding officer will apportion the costs of the hearing among the parties in a manner not contrary to statute.*

*4. Unless the Authority orders otherwise, the Deputy Commissioner will place the same date of issuance and the same effective date, if applicable, on all orders made by the Authority in relation to a consolidated hearing.*

**Sec. 127. Hearings: Stipulations. (NRS 233B.050, AB176, Sec. 46)**

*1. With the approval of the presiding officer, the parties may stipulate as to any fact in issue, either by written stipulation introduced in evidence as an exhibit or by an oral statement*

*made upon the record. This stipulation is binding only upon the parties so stipulating and is not binding upon the Authority.*

*2. The stipulation may be considered by the Authority as evidence at the hearing. The Authority or presiding officer may require proof of the facts stipulated to by independent evidence, notwithstanding the stipulation of the parties. A stipulation without additional proof is not binding on the Authority in the determination of the matter.*

**Sec. 128. Hearings: Interim order. (NRS 233B.050, AB176, Sec. 46)** *The Authority or presiding officer may, in the course of a proceeding and before entering a decision or a recommended decision, issue an appropriate written interim order. An interim order is not subject to exceptions or petitions for rehearing, reconsideration or reargument, but any party of record aggrieved by the interim order may file a written motion to set aside, stay or modify the order.*

**Sec. 129. Hearings: Official notice. (NRS 233B.050, AB176, Sec. 46)** *The Authority or presiding officer may take official notice of the following matters:*

- 1. Rules, regulations, official reports, decisions and orders of the Authority and any other agency of the State.*
- 2. Contents of decisions, orders and permits issued by the Authority.*
- 3. Matters of common knowledge and technical or scientific facts of established character.*
- 4. Official documents, if pertinent and properly introduced into the record of formal proceedings by reference. A proper and definite reference to a document must be made by the party offering the document, and the document must be generally circulated to each party of record.*

**Sec. 130. Hearings: Briefs. (NRS 233B.050, AB176, Sec. 46)** *In a hearing, the presiding officer may order briefs to be filed within a reasonable time. The original and such copies of each brief as requested by the presiding officer, but not to exceed 10 copies, must:*

- 1. Be filed with the Authority;*
- 2. Contain all legal authority cited therein as exhibits; and*
- 3. Be accompanied by an acknowledgment of or an affidavit showing service on each party of record.*

**Sec. 131. Hearings: Oral arguments. (NRS 233B.050, AB176, Sec. 46)** *The Authority may, following the filing of briefs or upon contested motions, set the matter for oral argument upon 10 days' notice to each party of record, unless the Authority considers a shorter time advisable.*

**Sec. 132. Hearings: Decision by Authority. (NRS 233B.050, AB176, Sec. 46)** *Unless otherwise specifically ordered, a matter stands submitted for decision by the Authority at the close of the hearing.*

**Sec. 133. Hearings: Reopening proceedings to receive additional evidence. (NRS 233B.050, AB176, Sec. 46)** *At any time after the conclusion of a hearing and before the issuance of a*

*final order, the Authority or presiding officer, on the Authority's or presiding officer's own motion, may reopen the proceedings for the taking of additional evidence.*

**Sec. 134. Hearings: Proposed findings of fact and conclusions of law. (NRS 233B.050, AB176, Sec. 46)**

*1. The presiding officer may require any party of record to file proposed findings of fact and conclusions of law at the close of the proceeding. The presiding officer will fix the period within which these proposed findings and conclusions must be filed. No decision, report or recommended order may be made until after the expiration of this period.*

*2. Each proposed finding of fact and conclusion of law must be clearly and concisely stated and numbered. Each proposed finding of fact must specifically show, by appropriate references to the transcript, the testimony which supports the statement.*

*3. An original and such copies of proposed findings of fact and conclusions of law, accompanied by a certificate of service, as requested by the presiding officer must be filed by each party with the Authority, and one copy must be served upon each party of record. A presiding officer may not request more than 10 copies of proposed findings of fact and conclusions of law.*

*4. Any party of record may petition the Authority for an extension of time in which to file proposed findings of fact and conclusions of law.*

**Sec. 135. Hearings: Date of issuance and effective date of order. (NRS 233B.050, AB176, Sec. 46)**

*1. The date of the issuance of an order is the day on which the Deputy Commissioner signs and verifies the order and affixes the seal of the Authority on the order. The Deputy Commissioner shall mail or deliver copies of the order to the parties of record not later than 1 day following the date of issuance. The date of issuance of an order may or may not be the day on which the Authority makes the decision. The Deputy Commissioner shall clearly indicate on each order the date of its issuance.*

*2. Unless otherwise specifically provided in the order, an order of the Authority is effective as of the date of its issuance.*

**Sec. 136. Hearings: Copies of transcripts. (NRS 233B.050, AB176, Sec. 46)** *Any party may obtain a copy of the transcript of a hearing before the Authority from the official reporter upon payment of the fees fixed therefor. Each transcript must include an index of each exhibit presented at the hearing and copies of each exhibit. The original and two copies of each transcript must be provided to the Authority by the initiating party within 15 business days after the close of the hearing unless otherwise ordered by the presiding officer.*

**Sec. 137. Declaratory orders and advisory opinions: Petition; hearings. (NRS 233B.050, AB176, Sec. 46)**

*1. Any interested person may petition the Authority for a declaratory order or an advisory opinion as to the applicability of any statutory provision or any regulation or decision of the Authority. The Authority will retain discretion as to if and how such a petition will be addressed.*

*2. Hearings will be held by the Authority, if needed, to obtain information necessary or useful in formulating a declaratory order or advisory opinion.*

**Sec. 138. Administrative fines: Definitions.** (NRS 233B.050, AB176, Sec. 46, AB176, Sec. 42) *As used in Sections 138-149, inclusive, unless the context otherwise requires, the words and terms defined in Sections 139-141 have the meanings ascribed to them in those sections.*

**Sec. 139. Administrative fines: “Administrative proceeding” defined.** (NRS 233B.050, AB176, Sec. 46, AB176, Sec. 42) *“Administrative proceeding” means a proceeding to impose an administrative fine pursuant to section 42 of AB176.*

**Sec. 140. Administrative fines: “Hearing officer” defined.** (NRS 233B.050, AB176, Sec. 46, AB176, Sec. 42) *“Hearing officer” means a person designated by the Chairman to conduct an administrative proceeding.*

**Sec. 141. Administrative fines: “Respondent” defined.** (NRS 233B.050, AB176, Sec. 46, AB176, Sec. 42) *“Respondent” means a person against whom an administrative proceeding is initiated.*

**Sec. 142. Administrative fines: Initiation and termination of administrative proceeding by staff of Authority; conduct of, applicable regulations for and intervention in administrative proceeding.** (NRS 233B.050, AB176, Sec. 46, AB176, Sec. 42)

*1. An administrative proceeding must be initiated by the staff of the Authority as provided in Section 143. The staff may terminate an administrative proceeding at any time before a hearing without prejudice to the initiation of another administrative proceeding based upon the same set of facts.*

*2. An administrative proceeding must be conducted pursuant to the provisions of chapter 233B of NRS and those provisions of NRS \_\_\_\_ which do not conflict with the provisions set forth in chapter 233B of NRS regarding notice to parties and the opportunity of parties to be heard.*

*3. The provisions of Sections 69 - 137, inclusive, apply to an administrative proceeding, as if the hearing officer were the Authority or presiding officer, to the extent that those provisions do not conflict with the provisions of Sections 138-149, inclusive.*

**Sec. 143. Administrative fines: Contents, service and filing of complaint to initiate administrative proceeding; answer to complaint.** (NRS 233B.050, AB176, Sec. 46, AB176, Sec. 42)

- 1. The staff of the Authority may initiate an administrative proceeding by:
  - (a) Serving a copy of a complaint upon the respondent by personal delivery or by mailing by certified mail, return receipt requested, to the last known address of the business or residence of the respondent; and*
  - (b) Filing the complaint with the Authority.**
- 2. The complaint must be signed by a member of the staff of the Authority and contain:
  - (a) The name of the respondent;*
  - (b) A concise statement of the facts upon which the imposition of a fine is allegedly grounded; and*
  - (c) Any other matter required by law.**

3. *The respondent may file with the Authority an answer to the complaint not later than 15 days after it is served.*

**Sec. 144. *Administrative fines: Settlement of administrative proceeding. (NRS 233B.050, AB176, Sec. 46, AB176, Sec. 42)***

1. *The staff of the Authority may enter into an agreement with a respondent for the settlement of an administrative proceeding. The agreement must be signed by the staff and the respondent, and state that the respondent consents to the imposition of a fine in a specific amount.*

2. *Upon entering into such an agreement:*

(a) *The staff of the Authority shall submit the agreement to the Authority; and*

(b) *The respondent shall deposit with the Authority a cashier's check or money order, payable to the Nevada Transportation Authority, for the amount of the agreed fine.*

3. *The agreement is not effective unless approved by the Authority. If the Authority approves the agreement, it will enter an appropriate final order. If the Authority does not approve the agreement, the administrative proceeding must be set for a hearing.*

4. *Upon termination of the administrative proceeding, the Authority will return to the respondent the amount deposited pursuant to subsection 2 which exceeds the amount of any fine imposed.*

**Sec. 145. *Administrative fines: Powers and duties of hearing officer. (NRS 233B.050, AB176, Sec. 46, AB176, Sec. 42)***

1. *A hearing officer shall:*

(a) *Subscribe to the constitutional oath of office before exercising any of the powers or performing any of the duties of his or her office.*

(b) *Conduct a fair and impartial hearing in accordance with the law.*

(c) *Conduct the entire hearing on the record and require each party or the party's counsel to identify himself or herself before presenting evidence.*

(d) *Establish the order of presentation of the evidence by each party.*

(e) *Ensure that the hearing proceeds with reasonable diligence and the least delay practicable.*

(f) *Prepare a proposed decision for review by the Authority.*

(g) *Deliver the record of the hearing and the proposed decision to the Authority.*

2. *If not otherwise prohibited by law and if substantial rights of the parties will not be prejudiced, a hearing officer may allow amendment of the complaint and answer before conducting a hearing.*

**Sec. 146. *Administrative fines: Appeal of procedural ruling by hearing officer. (NRS 233B.050, AB176, Sec. 46, AB176, Sec. 42)***

1. *Any party to an administrative proceeding conducted by a hearing officer may appeal a ruling of the hearing officer on any procedural matter to the Authority by filing a request for further consideration with the hearing officer within 15 days after the ruling is made, or within the period prescribed by the hearing officer. The request must include, without limitation, grounds for review of the ruling by the Authority.*

2. *The hearing officer shall transmit:*

(a) *The request for further consideration and any response to the request;*

(b) *His or her ruling on the procedural matter; and*  
(c) *A memorandum which explains those parts of the hearing officer's ruling which are the subject of the appeal,*

□ *to the Authority not later than the time the hearing officer delivers the proposed decision pursuant to Section 145.*

3. *Except as otherwise provided in subsection 4, the Authority will enter a decision on the appeal at the same time it rules upon the proposed decision of the hearing officer received pursuant to NAC \_\_\_\_\_.4015.*

4. *If the hearing officer finds that a ruling on the appeal is necessary to prevent detriment to the public interest or irreparable harm to any person, the Authority may enter a decision on the appeal before it rules on the proposed decision of the hearing officer received pursuant to Section 145.*

**Sec. 147. *Administrative fines: Action by Authority. (NRS 233B.050, AB176, Sec. 46, AB176, Sec. 42)***

1. *The Authority will review the decision of a hearing officer and enter a final order affirming, modifying or setting aside the decision.*

2. *If a respondent fails to appear at the time and place set for an administrative proceeding, the Authority may impose a fine for the violations alleged in the complaint.*

3. *In determining the amount of a fine to be imposed pursuant to an administrative proceeding, the Authority may consider:*

(a) *The seriousness of the violations alleged in the complaint which were demonstrated to have been committed by the respondent;*

(b) *Any hazard to the health or safety of the public resulting from those violations;*

(c) *Any economic benefit received by the respondent as a result of those violations;*

(d) *Any mitigation or aggravation by the respondent of the effects of those violations;*

(e) *The extent to which the respondent demonstrates his or her good faith;*

(f) *Any previous history of violations by the respondent;*

(g) *The amount necessary to deter future violations; and*

(h) *Any other appropriate matter.*

**Sec. 148. *Administrative fines: Payment of fine. (NRS 233B.050, AB176, Sec. 46, AB176, Sec. 42)*** *A fine imposed pursuant to an administrative proceeding is due and payable within 20 days after the final order of the Authority imposing the fine.*

**Sec. 149. *Administrative fines: Remedy not exclusive. (NRS 233B.050, AB176, Sec. 46, AB176, Sec. 42)*** *The provisions of Section 138 - 149, inclusive, do not preclude the commencement or pursuit of any additional remedies for the commission of the acts upon which an administrative proceeding is based.*