

Nevada Transportation Authority

Nevada Revised Statutes (NRS) 706 and 712:

Authority members (NRS 706.1511): The Authority consists of three members appointed by the Governor, who shall select members who have at least two years of experience in one or more of the following fields:

- Accounting;
- Business administration;
- Economics;
- Administrative law;
- Transportation; or
- Professional engineering.

Additional limitations on appointments include the following:

- At least one but not more than two members must be residents of Clark County;
- Not more than two members may be of the same political party; and
- Not more than two members may be from the same field of experience.

All members must be independent of the industries regulated by the Authority. Members must devote their full time to business of the Authority. Terms of office are four years, although members serve at the pleasure of the Governor.

Powers and duties of the Authority:

NRS 706.151: The Legislature declared that one purpose in enacting NRS 706 is to confer upon the Authority and to make it the duty of the Authority to regulate fully regulated carriers, operators of tow cars, and brokers of regulated services to the extent provided in the chapter.

NRS 706.166: The Authority shall:

- Supervise and regulate fully regulated carriers and brokers of regulated services, and operators of tow cars;
- Supervise and regulate the storage of household goods and effects in warehouses;

Exhibit T - SUNSET

Document consists of 172 pages.

Due to size limitations, pages 1-31 provided.

A copy of the complete document can be found on the Subcommittee's meeting page

and is available through the Research Library (775/684-6827 or e-mail at library@lcb.state.nv.us).

Meeting Date: 02-09-16

- Enforce the standards of safety of common and contract carriers subject to the Authority; and
- Adopt regulations relating to fares, rates, classifications, and other matters as provided.

Section 1.1 of Senate Bill 376 (Chapter 447, *Statutes of Nevada 2015*) further provides that any decision or action by the Authority relating to the operations of a fully regulated motor carrier in Nevada is final and may be appealed for judicial review.

Section 25 of Assembly Bill 176 (Chapter 279, *Statutes of Nevada 2015*) authorizes and empowers the Authority to regulate all transportation network companies (TNCs) and drivers who operate in Nevada.

NRS 706.171: The Authority, the Department of Motor Vehicles, and the Department of Public Safety may:

- Make necessary and reasonable regulations governing the administration and enforcement of the provisions of Chapter 706;
- Adopt by reference any appropriate rule or regulation issued by the United States Department of Transportation and others as provided;
- Require reports and maintenance of records as deemed necessary for the administration and enforcement of the chapter;
- Examine the records of motor carriers doing business in Nevada, including those records not maintained in Nevada; and
- Temporarily waive requirements in emergencies as defined.

NRS 712.010 to 712.090: The Authority shall adopt rules and regulations as necessary relating to the storage of household goods and effects, including:

- Setting standards as to fitness and financial stability;
- Requiring insurance as a condition for engaging in the storage business;
- Issuing permits to operate such a business; and
- Inspecting property and examining records of permit holders.

Operations of the Authority:

- NRS 706.1512—The Governor shall designate the Chair. The Authority may sue and be sued.
- NRS 706.1514—A majority of the members may exercise the powers of the Authority. Public hearings must be conducted by one or more members, except as provided.
- NRS 706.1516—Certain money collected by the Authority must be used to maintain a computerized real-time data system as provided, when a hearing officer may conduct an administrative proceeding.
- NRS 706.1518—The Authority shall publish biennial reports on its proceedings.

Background:

Legislation: Assembly Bill 366 (Chapter 482, *Statutes of Nevada 1997*) was sponsored by the Assembly Committee on Government Affairs. The bill reorganized the Public Service Commission of Nevada. Among other revisions, A.B. 366 transferred the regulation of certain transportation carriers from the Public Service Commission to the newly created Transportation Services Authority. The name was changed to the Nevada Transportation Authority (NTA) in 2007 with the passage of A.B. 497 (Chapter 433, *Statutes of Nevada*).

Legislative history: A legislative history of A.B. 366 has been compiled.

PUBLIC SERVICE COMMISSION AND UTILITY DEREGULATION:

PART 1:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt1.pdf>

PART 2:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt2.pdf>

PART 3:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt3.pdf>

PART 4:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt4.pdf>

PART 5:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt5.pdf>

PART 6:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt6.pdf>

PART 7:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt7.pdf>

PART 8:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt8.pdf>

PART 9:

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/AB366,1997pt9.pdf>

Previous Review by the Sunset Subcommittee: The NTA was reviewed by the Sunset Subcommittee at its meeting on April 8, 2014. The Subcommittee recommended the continuation of the NTA without revisions. The minutes of the meeting are available here: <http://www.leg.state.nv.us/Interim/77th2013/Minutes/Sunset//IM-Sunset-040814-10766.pdf>.

Members:

Ann Wilkinson, Chair

George Assad, Commissioner

Keith Sakelhide, Commissioner

Reports to the Legislature: The NTA is required by NRS 706.1518 to make biennial reports, which must be open to the public. In 2013, the Legislature included in S.B. 430 (Chapter 438, *Statutes of Nevada*) a provision that the NTA and the Taxicab Authority shall each submit a report to the Director of the Legislative Counsel Bureau (LCB) that describes the implementation and operation of the computerized real-time data system as required by NRS. This report was due by February 1, 2015.

Section 45 of A.B. 176 requires a TNC to compile and report damages resulting from accidents. It also requires the NTA to collect the reports and submit to the Legislature annually its determinations regarding insurance coverage.

Records:

- Research Library holdings:
 - *Performance Audit: Department of Business and Industry, Nevada Transportation Authority*, Audit Division, Legislative Counsel Bureau (2004—LA04-22, 2013—LA14-07) <http://www.leg.state.nv.us/Division/Audit/Full/execfullist.cfm>;
 - [Report Regarding Implementation of Provisions of SB 430](#) (2015 report to the Director of LCB for transmittal to the next regular session of the Legislature pursuant to section 18 of S.B. 430 [2013]); and

- [Implementation Status of SB 430: Real-Time Data System](#) (2015 report to the Director of LCB for transmittal to the next regular session of the Legislature pursuant to section 18 of S.B. 430 [2013]).
- State Library holdings:
 - *Biennial Report*, Nevada Transportation Services Authority (2002)
- State Archives holdings:
 - Annual reports from transportation companies, motor carriers, moving and storage companies, and others (2000 through 2009);
 - Transportation Services budget (1997 and 2000); and
 - Transportation Services correspondence (1997 and 1998).

Current contact: Ann Wilkinson, Chair, NTA

Website: <http://nta.nv.gov/>

W160745

NRS 706.151 Legislative declaration of purpose.

1. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter:

(a) Except to the extent otherwise provided in NRS 706.881 to 706.885, inclusive, to confer upon the Authority the power and to make it the duty of the Authority to regulate fully regulated carriers, operators of tow cars and brokers of regulated services to the extent provided in this chapter and to confer upon the Department of Motor Vehicles the power to license all motor carriers and to make it the duty of the Department of Motor Vehicles and the Department of Public Safety to enforce the provisions of this chapter and the regulations adopted by the Authority pursuant to it, to relieve the undue burdens on the highways arising by reason of the use of the highways by vehicles in a gainful occupation thereon.

(b) To provide for reasonable compensation for the use of the highways in gainful occupations, and enable the State of Nevada, by using license fees, to provide for the proper construction, maintenance and repair thereof, and thereby protect the safety and welfare of the traveling and shipping public in their use of the highways.

(c) To provide for fair and impartial regulation, to promote safe, adequate, economical and efficient service and to foster sound economic conditions in motor transportation.

(d) To encourage the establishment and maintenance of reasonable charges for:

(1) Intrastate transportation by fully regulated carriers; and

(2) Towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle,

"" without unjust discriminations against or undue preferences or advantages being given to any motor carrier or applicant for a certificate of public convenience and necessity.

(e) To discourage any practices which would tend to increase or create competition that may be detrimental to the traveling and shipping public or the motor carrier business within this State.

2. All of the provisions of this chapter must be administered and enforced with a view to carrying out the declaration of policy contained in this section.

(Added to NRS by 1971, 690; A 1981, 1019; 1983, 1222; 1995, 2612; 1997, 1930, 2670; 1999, 492; 2003, 1400; 2007, 2052)

NEVADA CASES.

Former Public Service Commission was not authorized to transfer funds from Regulatory Fund to State Highway Fund. Sec. I, ch. 165, Stats. 1933 (cf. NRS 706.151), declares the purpose of the statute concerning the regulation and licensing of motor carriers, and by that declaration the statute is an excise tax measure to provide funds for the maintenance of highways rather than a police measure. *Ex parte Iratacable*, 55 Nev. 263, 30 P.2d 284 (1934)

Application to compete with common carrier did not require showing of inadequacy with existing service. Where a bus company applied to the Public Service Commission (now the Nevada Transportation Authority) for a certificate of public convenience and necessity to carry passengers to and from the airport in competition with the existing carrier, NRS 706.151 and 706.391 did not require a showing of inadequacy of the existing service as a prerequisite to the granting of a certificate to the applicant. *Gray Line Tours v. Public Serv. Comm'n*, 97 Nev. 200, 626 P.2d 263 (1981), cited, *Motor Cargo v. Public Serv. Comm'n*, 108 Nev. 335, at 337, 830 P.2d 1328 (1992)

Section did not authorize former Public Service Commission to revoke certificate of public convenience and necessity. After a hearing held in 1991, the Public Service Commission (now the Nevada Transportation Authority) issued an opinion and order revoking the appellants certificate of public convenience and necessity on the sole basis that the appellant had failed to provide intrastate transportation services in 1988. In vacating the Commission's opinion and order, the Nevada Supreme Court held that the Commission had exceeded its jurisdiction because neither NRS 706.151, 706.341, 706.398, 706.461 nor any other statute authorized the Commission to revoke the appellant's certificate. *Manke Truck Lines, Inc. v. Public Serv. Comm'n*, 109 Nev. 1034, 862 P.2d 1201 (1993)

ATTORNEY GENERAL'S OPINIONS.

Legislature intended all classes of motor carriers are to be licensed subject to exceptions. It is clearly apparent that the Legislature intended that all classes of motor carriers mentioned in sec. 1, ch. 165, Stats. 1933 (cf. NRS 706.151 and 706.221), are to be licensed, subject, of course, to such exceptions and exemptions as provided by statute. AGO 109 (7-26-1933)

Gambling clubs providing free transportation for patrons were not subject to former Public Service Commission or Department of Motor Vehicles. Gambling clubs providing free transportation to their patrons were not subject to regulation under NRS ch. 706 by the Public Service Commission (now the Nevada Transportation Authority) or the Department of Motor Vehicles in connection with such transportation. (See also NRS 706.741.) AGO 426 (11-17-1958)

NRS 706.1511 Authority: Creation; appointment, terms and qualifications of members; restriction on other employment of members; members serve at pleasure of Governor.

1. The Nevada Transportation Authority is hereby created.

2. The Authority consists of three members appointed by the Governor. After the initial term, each member shall serve a term of 4 years.

3. The Governor shall appoint to the Authority members who have at least 2 years of experience in one or more of the following fields:

- (a) Accounting.
- (b) Business administration.
- (c) Economics.
- (d) Administrative law.
- (e) Transportation.
- (f) Professional engineering.

"" At least one but not more than two of the members appointed must be residents of Clark County.

4. Not more than two of the members may be:

- (a) Members of the same political party.
- (b) From the same field of experience.

5. All of the members must be persons who are independent of the industries regulated by the Authority. No elected officer of this State or any political subdivision is eligible for appointment.

6. The members of the Authority shall give their entire time to the business of the Authority and shall not pursue any other business or vocation or hold any other office of profit.

7. Each member of the Authority serves at the pleasure of the Governor.

(Added to NRS by 1997, 1923; A 2007, 2053)

NRS CROSS REFERENCES.

Residency requirements, NRS 232A.020

NRS 706.1512 Authority: Designation of Chair by Governor; Executive Officer; members in unclassified service of State.

1. The Governor shall designate one of the members of the Authority to be Chair. The Chair is the Executive Officer of the Authority and serves at the pleasure of the Governor.

2. The members of the Authority are in the unclassified service of the State.

(Added to NRS by 1997, 1924)

NRS 706.1513 Suits by and against Authority. The Authority may sue and be sued in the name of the Nevada Transportation Authority.

(Added to NRS by 1997, 1924; A 2007, 2054)

NRS 706.1514 Authority: Power of majority of members; exercise of power and conduct of business by majority of members; hearings.

1. A majority of the members of the Authority may exercise all of the power and conduct the business of the Authority relating to common or contract carriers, taxicabs, and the warehousing of household goods as provided in this chapter and chapter 712 of NRS.

2. Except as otherwise provided in this subsection, public hearings must be conducted by one or more members of the Authority. An administrative proceeding conducted pursuant to subsection 2 of NRS 706.771 may be

conducted by a hearing officer designated by the Chair of the Authority.

(Added to NRS by 1997, 1924)

NRS CROSS REFERENCES.

Meetings of public agencies, NRS ch. 241

NRS 706.1515 Authority: Expenses of investigations, inspections, audits and appearances made outside State.

1. Any common or contract carrier subject to the jurisdiction of the Authority that elects to maintain its books and records outside the State of Nevada must, in addition to any other assessment and fees provided for by law, be assessed by the Authority for an amount equal to the per diem allowance and travel expenses of members of the Authority and staff for investigations, inspections and audits required to be performed outside this State. The per diem allowance and travel expenses of the members of the Authority and its staff must be assessed at the rate established by the State Board of Examiners for state officers and employees generally.

2. The assessments provided for by this section must be determined by the Authority upon the completion of each such investigation, inspection, audit or appearance and are due within 30 days after receipt by the affected **common or contract carrier of the notice of assessment.**

3. The records of the Authority relating to the additional costs incurred by reason of the necessary additional travel must be open for inspection by the affected common or contract carrier at any time within the 30-day period.

(Added to NRS by 1997, 1924; A 2007, 605)

NRS 706.1516 Nevada Transportation Authority Regulatory Account: Creation; deposits; use; claims; statements.

1. The Nevada Transportation Authority Regulatory Account is hereby created in the State General Fund. All money collected by the Authority pursuant to law must be deposited with the State Treasurer for credit to the Account.

2. Except as otherwise provided in subsection 3, money in the Account may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the Authority.

(b) Participating in all proceedings relevant to the jurisdiction of the Authority.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the Authority.

3. All money collected by the Authority pursuant to subsection 2 of NRS 706.465 and subsection 4 of NRS 706.471 must be used to implement technological improvements in safety, reliability and efficiency within a county whose population is 700,000 or more, including, without limitation, the implementation of a computerized real-time data system to assist with the administration and enforcement of the provisions of NRS 706.011 to 706.791, inclusive. A computerized real-time data system implemented pursuant to this subsection must, at a minimum, satisfy the following criteria:

(a) While a vehicle is in service within the jurisdiction of the Authority, the system must be capable of collecting in real-time from the onboard computer of the vehicle, by wireless access through the onboard diagnostic port or other means, the vehicle identification number and the operating and telemetric data for the vehicle.

(b) While a vehicle is in service within the jurisdiction of the Authority, the system must be capable of collecting in real-time, from an onboard diagnostic device capable of using a global positioning system that is installed in the vehicle or any other onboard computer software system capable of using a global positioning system that is installed in the vehicle, the location of the vehicle by latitude and longitude, a record of the time at which the vehicle is at that location and operating and telemetric data for the vehicle.

(c) The system must be capable of allowing the operator of a vehicle, while the vehicle is in service within the

jurisdiction of the Authority, to register in the system, at the beginning and end of each shift, his or her identity and the number of his or her permit or certificate of public convenience and necessity.

(d) The system must be capable of allowing, in a manner prescribed by the Authority, a holder of a certificate of public convenience and necessity to digitally associate himself or herself with a vehicle for which the Authority has **issued a certificate, license or other authorization.**

(e) The system must be capable of presenting, in real-time to the Authority, searchable histories of the information and data described in this subsection in both a format that displays the information and data in tables and a digital map format that displays streets and highways.

(f) The system must be capable of presenting to a passenger, through an application on a mobile device or an interactive, digital display or other onboard system in the vehicle, sufficient information for the passenger to select and direct the operator of the vehicle to the passenger's desired destination by the passenger's desired route. The information must include, without limitation, sufficient information for the passenger to:

- (1) Select the shortest route by time or distance to the passenger's desired destination;
- (2) Select a multi-segment trip directed by the passenger;
- (3) Select the least expensive route to the passenger's desired destination; and
- (4) Make a digital record of the passenger's selection that is accessible during and after the trip by the passenger, the Authority, the operator and the holder of the certificate of public convenience and necessity.

(g) The system must be capable of presenting to the operator of the vehicle, through an application on a mobile device or an interactive, digital display or other onboard system in the vehicle, sufficient information for the operator to:

(1) Determine the shortest route by time or distance to the passenger's desired destination and the least expensive route to the passenger's desired destination;

(2) Follow a multi-segment, passenger-directed trip by the least expensive route to the passenger's desired **destination; and**

(3) Allow the passenger to make a digital record of a selection of a desired route to the passenger's destination that is accessible during and after the trip by the passenger, the Authority, the operator and the holder of the certificate of public convenience and necessity.

(h) The system must be capable of allowing a passenger to register comments and complaints with the Authority, the operator of the vehicle and the holder of the certificate of public convenience and necessity, through an application on a mobile device or an interactive digital display screen or other onboard system in the vehicle.

(i) The system must be capable of assisting the Authority in the development of additional preventive measures to detect, investigate and deter the practice of transporting a passenger to a selected destination by a route that is more expensive than necessary under the circumstances of the trip.

G1 The system must be capable of providing to the Authority reliable real-time and historic information **concerning service demands, market data, vehicle usage, wait time and customer complaints and comments.**

(k) The system must be capable of allowing holders of a certificate of convenience and public necessity to use the system to provide cooperative dispatch and electronic hailing services to the public pursuant to NRS 706.165.

4. The Authority shall not use the information and data collected pursuant to paragraph (a) or (b) of subsection 3 for any purpose other than the purposes set forth in those paragraphs unless the Authority has adopted regulations governing the additional use.

5. The Authority may operate the computerized real-time data system implemented pursuant to subsection 3 or enter into an agreement for the provision of such service. If the Authority enters into such an agreement, the Authority shall ensure that all the information and data collected by the computerized real-time data system is under the control of the Authority.

6. All claims against the Account must be paid as other claims against the State are paid.

7. The Authority must furnish upon request a statement showing the balance remaining in the Account as of the close of the preceding fiscal year.

8. As used in this section, "real time" means the transmission of information at a rate no longer than once every 6 seconds, unless the Authority authorizes a longer rate while a vehicle is experiencing a low volume of trips.

(Added to NRS by 1997, 1924; A 2007, 2054; 2011, 452; 2013, 2533)

NRS CROSS REFERENCES.

Population defined, NRS 0.050

ATTORNEY GENERAL'S OPINIONS.

Former Public Service Commission was not authorized to transfer funds from Regulatory Fund to State Highway Fund. The Public Service Commission (now the Nevada Transportation Authority) was not authorized to transfer funds from the Regulatory Fund created by NRS 704.033 and former NRS 704.037 (cf. NRS 703.147 and 706.1516) to the State Highway Fund when there were insufficient funds in the State Highway Fund to meet the expenses of administration by the Department of Motor Vehicles pursuant to former NRS 706.190 (cf. NRS 706.201), because the Regulatory Fund was not included as a source of money for the State Highway Fund as listed in NRS 408.235, and former NRS 704.039 (cf. NRS 703.147 and 706.1516) provided that the Regulatory Fund shall only be used for certain expenses of the Commission and staff in carrying out the regulation of public utilities. AGO 416(6-6-1967)

NRS 706.1517 Authority: Employees who are peace officers may carry firearms. Employees of the Authority who are peace officers may carry firearms in the performance of their duties.

(Added to NRS by 1997, 1925)

NRS CROSS REFERENCES.

Inspectors, peace officer powers, NRS 289.320

NRS 706.1518 Authority: Biennial report; records open to public. Except as otherwise provided in NRS 706.1725, the Authority shall make and publish biennial reports showing its proceedings. All biennial reports, records, proceedings, papers and files of the Authority must be open at all reasonable times to the public.

(Added to NRS by 1997, 1925)

NRS 706.166 Supervision and regulation of fully regulated carriers, brokers of regulated services and operators of tow cars by Authority; enforcement of standards of safety. The Authority shall:

1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate:

(a) Every fully regulated carrier and broker of regulated services in this State in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.

(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive.

2. Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

3. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the Authority or the Department by:

(a) Providing training in safety;

(b) Reviewing and observing the programs or inspections of the carrier relating to safety; and

(c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

(a) Fares of fully regulated carriers;

(b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;

(c) Classifications;

(d) Divisions;

(e) Allowances; and

(f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

"" These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

5. Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.

(Added to NRS by 1971, 691; A 1975, 1161; 1983, 1223; 1987, 2256; 1995, 2613; 1997, 1932, 2671; 1999, 492; 2011, 1400; 2013, 2046)

ADMINISTRATIVE REGULATIONS.

Regulation and licensing of motor carriers, NAC 706.010-706.4019

NEVADA CASES.

Former Public Service Commission had power to allocate number of taxicabs. In an application by a cab company in certiorari to review an order of the Public Service Commission (now the Nevada Transportation Authority), the Commission's power under the provisions of former NRS 706.150 (cf. NRS 706.166) to regulate common motor carriers included the power to allocate the number of taxicabs serving an area and where the need of allocation in the public interest existed, the Commission had the duty of allocation. *Checker, Inc. v. Public Serv. Comm'n*, 84 Nev. 623, 446 P.2d 981 (1968), cited, AGO 94-07 (4-18-1994), AGO 99-05 (2-2-1999), AGO 99-18 (5-25-1999)

ATTORNEY GENERAL'S OPINIONS.

Gambling clubs providing free transportation for patrons were not subject to regulation by former Public Service Commission or Department of Motor Vehicles. Gambling clubs providing free transportation to their patrons were not subject to regulation under NRS ch. 706 by the Public Service Commission (now the Nevada Transportation Authority) or the Department of Motor Vehicles in connection with such transportation. (See also NRS 706.741.) AGO 426 (11-17-1958)

NRS 706.171 General powers of Authority, Department of Motor Vehicles and Department of Public

Safety: Regulations; reports and records; examinations and subpoenas; temporary waivers.

1. The Authority, the Department of Motor Vehicles and the Department of Public Safety may:

(a) Make necessary and reasonable regulations governing the administration and enforcement of the provisions of this chapter for which they are each responsible.

(b) Adopt by reference any appropriate rule or regulation, as it exists at the time of adoption, issued by the United States Department of Transportation, the Surface Transportation Board, any other agency of the Federal Government or the National Association of Regulatory Utility Commissioners.

(c) Require such reports and the maintenance of such records as they determine to be necessary for the administration and enforcement of this chapter.

(d) Except as otherwise provided in this section, examine, at any time during the business hours of the day, the books, papers and records of any fully regulated carrier, and of any other common, contract or private motor carrier doing business in this State to the extent necessary for their respective duties. The Authority, the Department of Motor Vehicles and the Department of Public Safety may examine in other states or require by subpoena the production inside this State of such books, papers and records as are not maintained in this State.

(e) Temporarily waive any requirement for a certificate or permit when an emergency exists as defined in NRS 706.561.

2. No personnel records of an employee of a fully regulated carrier, or of any other common, contract or private motor carrier may be examined pursuant to paragraph (d) of subsection 1 unless the records contain information relating to a matter of public safety or the Authority, the Department of Motor Vehicles and the Department of Public Safety determine that the examination is required to protect the interests of the public.

3. The Department of Motor Vehicles may adopt regulations to ensure the payment of any fee due or authorized pursuant to the provisions of this chapter.

4. As used in this section, "personnel records" does not include:

- (a) The name of the employee who is the subject of the record;
- (b) The gross compensation and perquisites of the employee;
- (c) Any record of the business expenses of the employee;
- (d) The title or any description of the position held by the employee;
- (e) The qualifications required for the position held by the employee;
- (f) The business address of the employee;
- (g) The telephone number of the employee at the place of business of the employee;
- (h) The work schedule of the employee;
- (i) The date on which the employment of the employee began; and
- (j) If applicable, the date on which the employment of the employee was terminated.

(Added to NRS by 1971, 691; A 1979, 191; 1981, 1020; 1995, 387, 2613, 2620; 1997, 1632, 1933; 2003, 1401)

ADMINISTRATIVE REGULATIONS.

Regulation and licensing of motor carriers, NAC 706.010-706.4019

FEDERAL AND OTHER CASES.

Regulation that required drivers of taxicabs to be employees rather than independent contractors was not preempted by United States Bankruptcy Code. A regulation of the Public Service Commission (now the Nevada Transportation Authority; see NRS 706.171) that required drivers for taxicab companies to be employees of those companies rather than independent contractors was not preempted by the United States Bankruptcy Code and, therefore, the appellant's reorganization plan in bankruptcy filed in 1991 was required to comply with that regulation. (N.B., enactment of NRS 706.473 in 1993, which authorized leasing of taxicabs to independent contractors under certain circumstances.) *Baker & Drake, Inc. v. Public Serv. Comm'n*, 35 F.3d 1348 (9th Cir. 1994)

CHAPTER 712 - STORAGE OF HOUSEHOLD GOODS AND EFFECTS

NRS 712.010	Short title.
NRS 712.020	Legislative declaration.
NRS 712.030	"Storage of household goods and effects" defined.
NRS 712.040	Permit for warehouse required.
NRS 712.050	Requirements for permit; grounds for revocation; fee; penalty.
NRS 712.060	Inspection by Nevada Transportation Authority.
NRS 712.070	Rules and regulations of Nevada Transportation Authority.
NRS 712.080	Disciplinary proceedings; judicial review.
NRS 712.090	Penalty.

CROSS REFERENCES

Administrative Procedure Act, NRS ch. 233B
Estimates of costs to be provided to customers, NRS 706.442, 706.443
Liens for storage charges, NRS 108.380-108.4783
Motor carriers, NRS ch. 706
Use of space in facility as residence prohibited, NRS 108.475

NRS 712.010 Short title. This chapter shall be known and may be cited as the Household Goods and Effects Storage Act.

(Added to NRS by 1973, 1025)

NRS 712.020 Legislative declaration. The Legislature hereby finds and declares that the storage of household goods and effects in warehouses affects the public interest and the public welfare, and in the exercise of its police power it is necessary to vest in the Nevada Transportation Authority the authority to set certain standards as to fitness and financial stability, and to require certain insurance as a condition for engaging in such storage business.

(Added to NRS by 1973, 1025; A 1997, 1960)

NRS 712.030 "Storage of household goods and effects" defined.

1. "Storage of household goods and effects" means the storage for compensation of the personal household goods and effects of another where the operator of a warehouse is held out to the public to provide such storage.

2. "Storage of household goods and effects" does not include:

(a) The storage of personal household goods and effects when the owner rents for the owner's exclusive use separate and distinct storage facilities from another and the lessor assumes no responsibility for the care, maintenance or safety of the stored property; or

(b) Personal property consigned to a warehouse under circumstances described in Section 1 of Article 10 of the Constitution of the State of Nevada.

(Added to NRS by 1973, 1025)

NRS 712.040 Permit for warehouse required. A person shall not engage in the storage of household goods and effects without first having obtained from the Nevada Transportation Authority a warehouse permit to conduct **such service.**

(Added to NRS by 1973, 1025; A 1997, 1960)

NRS 712.050 Requirements for permit; grounds for revocation; fee; penalty.

1. Before issuing a warehouse permit, the Nevada Transportation Authority shall:

(a) Require proof of financial ability to protect persons storing property from loss or damage, and a showing of sufficient assets, including working capital, to carry out the proposed service.

(b) Determine that the applicant has sufficient experience in and knowledge of the storage in a warehouse of household goods and effects, and the regulations of the Authority governing the storage of household goods and effects.

(c) Require proof that the applicant carries a legal policy of liability insurance evidencing coverage against fire, theft, loss and damage for stored property and effects in an amount not less than the base release value set forth in the tariff approved by the Authority governing the transportation of household goods and effects for those articles not covered by private insurance. Except upon 30 days' written notice to the Authority, the insurance must not be cancelled during the period for which any permit is issued. Failure to keep the insurance in effect is cause for revocation of any warehouse permit.

(d) Require information showing that the property to be used for storage of household goods and effects is reasonably suitable for that purpose. Failure to maintain the property in suitable condition is cause for revocation of any warehouse permit.

(e) Collect an initial fee for the permit as set by the Authority according to the gross volume of business in an amount not less than \$25 nor more than \$50.

2. On or before January 1 of each year, the holder of a warehouse permit shall pay to the Authority an annual fee as set by the Authority pursuant to paragraph (e) of subsection 1.

3. Any person who fails to pay the annual fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the fee plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the date the fee is due until the date of payment.

(Added to NRS by 1973, 1025; A 1981, 1598; 1987, 897; 1997, 1960)

NRS 712.060 Inspection by Nevada Transportation Authority. The Nevada Transportation Authority or its agents may:

1. Inspect any property proposed to be used for storage of household goods and effects to determine its suitability.

2. Examine the premises, books and records of any permit holder.

(Added to NRS by 1973, 1026; A 1997, 1961)

NRS 712.070 Rules and regulations of Nevada Transportation Authority. The Nevada Transportation Authority shall adopt such rules or regulations as may be required for the administration of this chapter.

(Added to NRS by 1973, 1026; A 1997, 1961)

NRS 712.080 Disciplinary proceedings; judicial review. The provisions of NRS 703.373 to 703.376, inclusive, relating to revocation and suspension of certificates, permits and licenses and judicial review thereof, apply to proceedings to suspend or revoke any permit issued under this chapter.

(Added to NRS by 1973, 1026; A 1983, 970)

NRS 712.090 Penalty. Any person who violates any provision of this chapter, or any rule or regulation adopted pursuant to this chapter, is, in addition to any civil penalties which may be provided, guilty of a misdemeanor.

(Added to NRS by 1973, 1026; A 1981, 1598)



Information Concerning Board or Commission Subject to Review by the Sunset Subcommittee of the Legislative Commission

as required by *Nevada Revised Statutes* 232B.230



Board or commission name:

Nevada Transportation Authority ("NTA")

Members' names with expiration date of term, and indicate the number of vacancies:

Ann Wilkinson, Chairman (term ends 9/30/2016)
George Assad, Commissioner (term ends 9/30/2016)
Keith Sakelhide, Commissioner (term ends 9/30/2017)
No commissioner vacancies exist.

Physical address:

Las Vegas: 2290 S. Jones Blvd. Suite 110 Las Vegas, NV 89146 Reno: 1755 E. Pl

Mailing address:

Las Vegas:
Nevada Transportation Authority

Web site address (if any):

www.nta.nv.gov

Web site developer (if not EITS, please indicate if EITS approved the web site):

Nevada Transportation Authority's website was developed through EITS' services and is hosted by EITS' SilverNet.

Executive director's name and contact information:

Pursuant to NRS 706.1512 the Governor appoints a commissioner as Executive Officer of the NTA. Ann Wilkinson was appointed as a commissioner on October 13, 2015 (to fill the unexpired term of former Commissioner, Andrew J. MacKay) and has been designated by the Governor to serve as Chairman/Executive Officer. Her contact

Staff members' names including titles and status as full-time or part-time (attach additional pages as necessary):

On October 21, 2015, the Interim Finance Committee approved 8 additional positions for the NTA, increasing NTA's staff total to 32 full-time positions. NTA positions are filled as follows:

Days and hours of operation:

Monday – Friday 8:00am-5:00pm

Created by what authority:

NRS 706.1511

Authority to adopt regulations (NRS) and citation to regulations (NAC), if applicable:

NRS 233B.040, NRS 706.151, NRS 706.171, NRS 712.070, and Assembly Bill 176 (2015).

The regulations adopted by the NTA pursuant to Chapter 706 of the NRS can be found in

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

List by LCB File No. and date of adoption the five regulations most recently adopted by the board or commission, with any applicable deadline for the adoption of any such regulation:

Since the submittal of its last report presented to the Sunset Subcommittee (April 2014), the Nevada Transportation Authority has adopted the regulations contained in LCB File No. R029-15 (Transportation Network Companies). These regulations became effective September 11, 2015.

List any required regulations that have not been adopted, with any applicable deadline for the adoption of any such regulation. Please identify each such regulation by LCB File No., if available, or by reference to the provision of NRS or Statutes of Nevada requiring adoption of the regulation:

No NTA rulemaking dockets are open or pending at this time. However, as discussed at the NTA agenda meeting held on January 12, 2016, rulemaking workshops will be scheduled in the future for the purpose of reviewing, modifying and/or eliminating existing NTA regulations.

Governing structure of the board or commission pursuant to statute:

The NTA is a division of the Nevada Department of Business and Industry (B&I) and is comprised of three commissioners appointed by the Governor pursuant to NRS 706.1511. One of the three commissioners is designated by the Governor to serve as the Executive Officer/Chairman. NRS 706.1512. The Chairman and a deputy commissioner appointed

Duties of the board or commission:

Nevada Revised Statutes set forth the legislative purpose under which the NTA was created. Pursuant to NRS 706.151, the NTA is responsible for the regulation/licensure of fully regulated motor carriers and partially regulated carriers.

Fully regulated carrier operating authorities include, but are not limited to:

1) Charter limousine service; 2) Scenic tour authority; 3) Contract carrier authority; 4) Airport transfer services; 5) Transportation of household goods; 6) Special services (per capita transportation for special purposes/events); and 7) Taxicab service for carriers

Statement of the objectives and programs of the board or commission:

The Nevada Transportation Authority's primary objective is to ensure the safety and convenience of the traveling and shipping public and the motor carrier business in the state is protected through the administration and enforcement of state laws pertaining to passenger transportation, household goods movers, the storage of household goods, tow car operations, and transportation network companies. The NTA is charged with providing fair and impartial regulation, promoting safe, adequate, economical and efficient service, fostering sound economic conditions, and encouraging the establishment and maintenance of reasonable rates and charges for intrastate transportation by fully regulated carriers and towing services performed without the prior consent of the owner

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

**Itemized list of services offered
by the board or commission:**

Administration

The NTA conducts hearings to adjudicate vehicle impounds and citations and to review new applications, changes in company ownership, and changes in service or rates. The agency holds public hearings and workshops on new or revised regulations. Monthly public meetings of the full board are also held to act on matters over which the agency has regulatory jurisdiction. NTA leadership establishes and implements agency policy, oversees the agency's staff, and is responsible for all aspects of the agency's daily operations. Administrative staff are responsible for the NTA's database, website information, docket case list, agency calendar, records and administrative files. They also

**Dates of the immediately
preceding six meetings:**

Regular Agenda Meetings: January 12, 2016; December 3, 2015; October 29, 2015; September 24, 2015; August 20, 2015; July 15, 2015; June 11, 2015.

**Statutory tax exemptions,
abatements, or money set aside
for the board or commission:**

There are no statutory tax exemptions, abatements, or set asides for the NTA.

**Description of the manner in
which the board or commission
is funded, including all funding
sources:**

The Nevada Transportation Authority currently operates under two legislatively approved operating budget accounts: Budget Account 3922 and Budget Account 3923.

Budget Account 3922 is utilized for daily administrative/operational purposes including personnel costs and general operations. This budget account is primarily funded by the State Highway Fund, with a small portion of this budget account being funded from fees collected from applications, copying fees, annual vehicle licensing fees, and petitions filed with the NTA. Unspent funding in this account reverts to the General Fund with the

**Please identify any forms
required by the board or
commission to be used by
members of the public which
are not available for
downloading from the web site
of the board or commission:**

All forms (applications, annual report filings, tariff modification filings, etc.) that the NTA requires to be filed are available for viewing and downloading from the NTA website at: nta.nv.gov.

**Information Concerning Board or Commission
Subject to Review by the
Sunset Subcommittee of the Legislative Commission**

Does the board or commission have any recommendations for consolidation with another board or commission? If so, which one(s) could be revised to include the charge to the board or commission that is the subject of this review?

No. Although a recently released audit report of the Taxicab Authority recommended the potential elimination/consolidation of that agency, the NTA has no official position with respect to consolidation or that specific audit recommendation.

Does the board or commission believe that its objectives and programs have been effective in accomplishing the purposes for which the board or commission was created? Please explain the response with any information the board or commission believes is relevant:

Yes. The Nevada Transportation Authority has an established record of fostering open and healthy competition in the transportation industry by supporting existing, new and expanded transportation businesses in Nevada while concurrently assuring the availability of safe and economic services to the citizens of Nevada and tourists. Our broad, diverse and competitive community of transportation services providers hold 452 current grants of operating authority, of which 238 are related to passenger transportation such as charter bus, charter limousine, and taxicab services. Moreover, the NTA has denied less

Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs:

NTA agency bill drafts proposed for consideration during the 2017 Session of the Nevada Legislature will be requested and submitted through the bill draft request process established pursuant to NRS 218D.175.

If additional space is necessary, please attach additional pages and refer to the attachments on the form.

Please include with this form:

1. The operating budget of the board or commission.
2. A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits this form, including the balances of any fund or account maintained by or on behalf of the board or commission.
3. The most recent legislative audit or other audit of the board or commission, and any efficiency studies or constituent or staff surveys conducted in the past 3 years.
4. Any reports required to be filed with the Legislative or Executive Branch over the past 3 years. Please indicate if any reports were filed late or have not been filed.
5. Copies of the minutes of the immediately preceding six meetings of the board or commission.
6. A copy of the organizational chart showing the governing structure of the board or commission and its staff.
7. A copy of the most recent strategic plan of the board or commission.

Please submit this form electronically to: cstonefield@lcb.state.nv.us. Submit additional documents electronically in a .pdf format.

If the file is too large for emailing, please submit hard copies to:

Carol Stonefield
Research Division
Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701

Nevada Transportation Authority (attachment to the Review Form)

Page 1, Physical address:

Las Vegas: 2290 S. Jones Blvd. Suite 110 Las Vegas, NV 89146
Reno: 1755 E. Plumb Lane, Suite 216 Reno, NV 89502

Page 1, Mailing address:

Las Vegas:
Nevada Transportation Authority
2290 S. Jones Blvd., Suite 110
Las Vegas, NV 89146

Reno:
Nevada Transportation Authority
1755 E. Plumb Lane, Suite 216
Reno, NV 89502

Page 1, Executive director's name and contact information:

Pursuant to NRS 706.1512 the Governor appoints a commissioner as Executive Officer of the NTA. Ann Wilkinson was appointed as a commissioner on October 13, 2015 (to fill the unexpired term of former Commissioner, Andrew J. MacKay) and has been designated by the Governor to serve as Chairman/Executive Officer. Her contact information is as follows:

1755 E. Plumb Lane, Suite #216
Reno, NV 89502
(775) 688-2800
awilkinson@nta.nv.gov

Page 1, Staff members' names including titles and status as full-time or part-time:

On October 21, 2015, the Interim Finance Committee approved 8 additional positions for the NTA, increasing NTA's staff total to 32 full-time positions. NTA positions are filled as follows:

Ann Wilkinson, Chairman
George Assad, Commissioner
Keith Sakelhide, Commissioner
Christopher Schneider, Deputy Commissioner

Jim Day, Administrative Attorney
Michael Bradford, Chief Inspector/Enforcement
Elizabeth Babcock, Applications Manager
Ron Delgado, Management Analyst II
Yvonne Shelton, Financial Analyst
Lidia Aronova, Financial Analyst
Rob Reasoner, Supervisory Compliance/Enforcement Investigator
Brian Johnson, Supervisory Compliance/Enforcement Investigator
Erin Bell, Compliance/Enforcement Investigator II
Rachael Martinez, Compliance/Enforcement Investigator II
Kenny Taylor, Compliance/Enforcement Investigator II
**VACANT Compliance/Enforcement Investigator II
**VACANT Compliance/Enforcement Investigator II
Rene Revens, Compliance/ Audit Investigator II
Desiree Main, Compliance/ Audit Investigator II
Heather Dreiling, Compliance/ Audit Investigator II
Rita Brownawell, Legal Secretary II
Karen Rayson, Administrative Assistant III
Deanna Kirk, Administrative Assistant II
Cecile Boatman, Administrative Assistant II

**NEW Positions approved by IFC 10/21/15:
Supervisory Compliance/Enforcement Investigator
Compliance/Enforcement Investigator II
Compliance/Enforcement Investigator II
Compliance/ Audit Investigator III
Compliance/ Audit Investigator II
Management Analyst **III**
Legal Research Assistant I
IT Professional II

*NOTE: Vacant and new positions are at various stages in the recruitment process

Page 1, Authority to adopt regulations (NRS) and citation to regulations (NAC), if applicable:

NRS 233B.040, NRS 706.151, NRS 706.171, NRS 712.070, and Assembly Bill 176 (2015).

The regulations adopted by the NTA pursuant to Chapter 706 of the NRS can be found in Chapter 706 of the Nevada Administrative Code (NAC). Regulations adopted pursuant to Assembly Bill 176 (2015) are posted on the Nevada Register as LCB File No. R029-15.

Page 2, Governing structure of the board or commission pursuant to statute:

The NTA is a division of the Nevada Department of Business and Industry (B&I) and is comprised of three commissioners appointed by the Governor pursuant to NRS 706.1511. One of the three commissioners is designated by the Governor to serve as the Executive Officer/Chairman. NRS 706.1512. The Chairman and a deputy commissioner appointed pursuant to NRS 706.176 are responsible for overseeing the agency's administrative operations and NTA staff located in the Las Vegas and Reno offices. Pursuant to NRS 706.1514, "A majority of the members of the Authority [NTA] may exercise all of the power and conduct the business of the Authority [NTA] relating to common or contract carrier, taxicabs, and the warehousing of household goods as provided in chapters 706 and 712 of NRS."

Page 2, Duties of the board or commission:

Nevada Revised Statutes set forth the legislative purpose under which the NTA was created. Pursuant to NRS 706.151, the NTA is responsible for the regulation/licensure of fully regulated motor carriers and partially regulated carriers.

Fully regulated carrier operating authorities include, but are not limited to: 1) Charter limousine service; 2) Scenic tour authority; 3) Contract carrier authority; 4) Airport transfer services; 5) Transportation of household goods; 6) Special services (per capita transportation for special purposes/events); and 7) Taxicab service for carriers operating outside of Clark County.

Partially regulated carrier operating authorities include, but are not limited to: 1) Consent and non-consent tow car service; and 2) Charter bus service.

The NTA is also responsible for a new regulatory program for Transportation Network Companies ("TNCs"), as authorized by the passage of Assembly Bills 175 and 176 of the 78th (2015) Nevada Legislative Session.

Page 2, Statement of the objectives and programs of the board or commission:

The Nevada Transportation Authority's primary objective is to ensure the safety and convenience of the traveling and shipping public and the motor carrier business in the state is protected through the administration and enforcement of state laws pertaining to passenger transportation, household goods movers, the storage of household goods, tow car operations, and transportation network companies. The NTA is charged with providing fair and impartial regulation, promoting safe, adequate, economical and efficient service, fostering sound

economic conditions, and encouraging the establishment and maintenance of reasonable rates and charges for intrastate transportation by fully regulated carriers and towing services performed without the prior consent of the owner of the vehicle.

Page 3, Itemized list of services offered by the board or commission:

Administration

The NTA conducts hearings to adjudicate vehicle impounds and citations and to review new applications, changes in company ownership, and changes in service or rates. The agency holds public hearings and workshops on new or revised regulations. Monthly public meetings of the full board are also held to act on matters over which the agency has regulatory jurisdiction. NTA leadership establishes and implements agency policy, oversees the agency's staff, and is responsible for all aspects of the agency's daily operations. Administrative staff are responsible for the NTA's database, website information, docket case list, agency calendar, records and administrative files. They also prepare and distribute public meeting agendas, legal notices, legal orders, and general correspondence. Members of the public are also assisted by the NTA's administrative staff.

Licensing and Applications

In accordance with its statutory authority, the NTA processes applications for new licenses/permits filed with the agency. Staff performs intensive analysis with respect to applications for new and/or expanded operating authority, tariff rate modifications, and sale and transfers of fully regulated companies. The agency assesses the operational fitness of all applicants as well as the financial fitness of fully regulated applicants. Staff examines the annual reports for all certificated carriers to ensure they comply with state law. Additionally, staff performs onsite financial audits to ensure motor carriers comply with state laws related to financial fitness and approved tariffs. Applications now filed by Transportation Network Companies ("TNCs") are also reviewed and processed in accordance with the specific provisions of Assembly Bill 176 (2015).

Compliance Audit

The NTA ensures certificated motor carriers comply with federal and state safety laws through random or risk-based on-site operational inspections. Auditors verify certificates of insurance to ensure certificated motor carriers have required insurance and obtain required federal annual inspections. Staff performs vehicle safety inspections for each vehicle placed into operation in the state and conducts background investigations to assist in assessing an applicant's fitness to operate as a motor carrier. With TNCs now under the regulatory purview of the NTA, staff is also responsible for inspecting the records of such entities to the extent permitted by Assembly Bill 176 (2015).

Compliance Enforcement

NTA enforcement officers investigate written complaints received by the agency alleging violations of Jaws under its jurisdiction. Officers patrol, conduct surveillance, and coordinate operations that may result in issuing citations and impounding vehicles used to provide unlawful transportation upon Nevada's highways. These operations address imminent threats to the safety of the traveling public (both residents and tourists) posed by unlicensed drivers operating unregistered, uninsured, uninspected, and/or unsafe vehicles. Enforcement staff are Nevada Peace Officer Standards and Training (P.O.S.T.) certified officers responsible for enforcing state and federal motor carrier Jaws. Officers also assist other Jaw enforcement agencies with homeland security and motor carrier enforcement operations.

Page 3, Dates of the immediately preceding six meetings:

Regular Agenda Meetings: January 12, 2016; December 3, 2015; October 29, 2015; September 24, 2015; August 20, 2015; July 15, 2015; June 11, 2015.

Special Agenda Meetings: September 14, 2015; June 29, 2015; June 25, 2015.

Regulation Meetings: September 11, 2015 (adoption); July 23, 2015 (workshop); July 16, 2015 (workshop).

Page 3, Description of the manner in which the board or commission is funded, including all funding sources:

The Nevada Transportation Authority currently operates under two legislatively approved operating budget accounts: Budget Account 3922 and Budget Account 3923.

Budget Account 3922 is utilized for daily administrative/operational purposes including personnel costs and general operations. This budget account is primarily funded by the State Highway Fund, with a small portion of this budget account being funded from fees collected from applications, copying fees, annual vehicle licensing fees, and petitions filed with the NTA. Unspent funding in this account reverts to the General Fund with the exception of money held on deposit for applicants to pay public notice publishing costs.

Budget Account 3923 is utilized exclusively for enforcement purposes pursuant to NRS 706.771(3). This budget account is funded by fines assessed through administrative citations issued for violations of Chapter 706 of NRS or NAC. Any unspent monies are balanced forward to the following fiscal year in a reserve category.

Page 4, Does the board or commission believe that its objectives and programs have been effective in accomplishing the purposes for which the board or commission was created? Please explain the response with any information the board or commission believes is relevant:

Yes. The Nevada Transportation Authority has an established record of fostering open and healthy competition in the transportation industry by supporting existing, new and expanded transportation businesses in Nevada while concurrently assuring the availability of safe and economic services to the citizens of Nevada and tourists. Our broad, diverse and competitive community of transportation services providers hold 452 current grants of operating authority, of which 238 are related to passenger transportation such as charter bus, charter limousine, and taxicab services. Moreover, the NTA has denied less than 3% of all applications for new or expanded authority, with the small number of denials based predominantly upon critical public safety concerns (typically material issues discovered in a criminal history investigation). The data is even more compelling with respect to the NTA's most visible industry segment-fully regulated common carriers such as charter limousine and scenic tour operators. In this segment of the industry, the NTA has received 68 applications for new operating authority in the past seven years and denied only one.

In addition to welcoming new entrants to Nevada's transportation markets, in 2015 the NTA was tasked to implement a new regulatory program for Transportation Network Companies ("TNCs"), based upon Assembly Bills 175 and 176 of the 78th (2015) Nevada Legislative Session. The NTA adopted comprehensive regulations and welcomed the first two authorized TNCs to Nevada within four months of the effective date of the new law, and within 30 days of receipt of the first TNC application. The NTA has since overseen the growth of the TNC industry to include a third authorized TNC and over 17,000 active driver-partners.

While focusing on promoting the development, expansion and innovation of Nevada transportation businesses, the NTA has continued to fulfill its responsibilities for enforcement and compliance to assure the safety of the traveling public. Over the past few years, the NTA had seven Compliance Enforcement positions available to conduct enforcement activities statewide. Although several of the positions were vacant for extended periods of time, the NTA has remained effective in its enforcement obligations. In fact, the NTA's Enforcement Staff has recently enjoyed unprecedented success in protecting lawful businesses and the traveling public from unlawful carriers. The vehicles impounded by the NTA for unlawful operation often lack insurance, registration, vehicle inspections and maintenance, and the unlawful operators

have included those with suspended or revoked driver's licenses, outstanding criminal warrants, and unlawful or unregistered weapons.

From 2013 through 2015, 456 vehicles being operated by illegal carriers were impounded and enforcement staff issued a total of 1647 citations (an annual average of 152 impoundments and 549 citations). To put this in perspective, legislatively approved staffing levels for the enforcement personnel during 2013 through 2015 were 30% below the levels from 10 years prior (2003) and during that year, the NTA impounded only six vehicles for unlawful operation. Further demonstrative of the NTA's efficient enforcement operations is the fact that the prior high water mark for total citations issued in any calendar year occurred in 2006 when the NTA issued 446 citations-more than JOO fewer than the 2013-2015 annual average of 549 citations-while employing two more officers than during 2013-2015.

The NTA's enforcement efforts also assure the safety of lawfully operated vehicles. Each vehicle used by a certificated carrier must undergo an annual safety inspection to meet stringent federal and state standards and be inspected by NTA staff prior to the vehicle being put into service. One of the NTA's main goals and responsibilities is to assist certificated carriers in responding to increases in transportation demand arising from certain special events and conventions such as the Consumer Electronics Show (CES), NASCAR, Electric Daisy Carnival (EDC), and many large conventions. Over the past few years, the NTA staff performed expedited inspections of a record number of vehicles temporarily utilized by certificated carriers to facilitate the extraordinary transportation needs from these special events. Lastly, in order to not impact the NTA's limited overtime/shift differential budget, unclassified salaried employees volunteered to perform these inspections on their own time, at times convenient to the carriers such as nights and weekends. Below are four specific examples:

Consumer Electronics Show

The NTA inspected 343 limousines that were placed into service temporarily in order to provide service to attendees of the 2015 CES, and 336 for the recent 2016 CES. These temporary vehicles result in several million dollars in added revenue for the motor carrier industry, and increase the availability of transportation services for those attending CES.

NASCAR

For the most recent (2015) Boyd Gaming 300 Nationwide race and the Kobalt 400 NASCAR race, the NTA inspected 140 motor coaches leased by Nevada operators to shuttle passengers to and from various points and places in Las Vegas and the speedway.

Electric Daisy Carnival

This special event generates the most concentrated transportation demand in Las Vegas-typically over a quarter million passenger transfers performed in a three day period. Due to the unique nature of the event, said transfers occur in a few hours, which requires an enormous number of motor coaches. Because of how the event location is configured, utilization of shuttle transportation is the only way the event can succeed. AWG Charter Services, the exclusive transportation provider, brought in an additional 351 motor coaches from out of state to supplement its Nevada fleet in 2014 and 377 in 2015. The Authority staff facilitated the safety inspection of these vehicles to minimize leasing charges for the carrier and maximize utilization and availability to the traveling public.

CISCO Live 2016

The NTA inspected on short notice 125 vehicles temporarily utilized by Nevada carriers during this convention, allowing the carriers to capture revenue opportunities and meet consumer demand while assuring critical safety-related compliance.



NEVADA LEGISLATURE SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION

(Nevada Revised Statutes [NRS] 232B.210)

SUMMARY MINUTES AND ACTION REPORT

The fourth meeting of the Nevada Legislature's Sunset Subcommittee of the Legislative Commission was held on Tuesday, April 8, 2014, at 8:30 a.m. in Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" (Exhibit A) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/77th2013/committee/>. In addition, copies of the audio or video record are available through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblywoman Irene Bustamante Adams, Chair
Senator Patricia (Pat) Spearman, Vice Chair
Senator David R. Parks
Assemblywoman Michele Fiore
David Goldwater

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator James A. Settelmeyer
Assemblyman Richard (Skip) Daly
Teresa (Terry) Rankin

COMMITTEE MEMBER ABSENT:

William (Buzz) Harris

noted all licensing is performed through the Las Vegas office, and renewal notices are sent by electronic mail two months prior to renewal.

- Discussion ensued between Chair Bustamante Adams and Ms. Lampert on the topic of decreased profit and loss numbers. Ms. Lampert noted that the numbers can be attributed to disciplinary actions being handled differently with higher fees, longer hearings, and extraordinary costs for the licensees for attorney's fees. Ms. McConnell stated the BELTCA is very involved with and committed to developing the pool of resources, which is steadily dwindling. She testified that Nevada was the first state to license residential care assisted living administrators, as well as offering the national examination and requiring continued education. Ms. McConnell added that BELTCA is in the process of writing one examination and job description that covers all administrators without any extra cost to the consumer. She reported the practice analysis that BELTCA has been preparing will be addressed at the national meeting in June 2014. Ms. McConnell pointed out the examination is being crafted by New York based company Pro-Exam to contain all of the different components available and will eventually be published within the next year at the very latest. She offered to provide the Subcommittee with a copy of the practice analysis.
- In response to Chair Bustamante Adams, Ms. McConnell said BELTCA does not request the Subcommittee to consider any statutory changes at this time to recognize the national credential.
- Senator Spearman inquired if the change in standards would require an increase in training and experience. Ms. Lambert replied it would, and Ms. McConnell added BELTCA and the national board are committed to making it user friendly to allow applicants to move from one state to another. She stressed that Nevada has a minimum statutory requirement of 1,000 hours of experience for a nursing facility administrator, as well as a baccalaureate degree.

Nevada Transportation Authority (NRS 706.1511)

- David Goldwater, previously identified, disclosed he represents clients that go before the National Transportation Authority (NTA) board and will not be participating in discussion with NTA.
- Andrew J. MacKay, Chair, NTA, testified the NTA has regulatory authority with respect to the administrative enforcement of State laws that pertain to motor carriers, specifically intrastate transportation of passengers, household goods movers, and the tow-car industry. He conveyed the NTA's strategic plan and Mission Statement can be delineated and found in NRS 706.151. Mr. MacKay said the NTA is comprised of 18 fulltime staff members in Las Vegas, 6 fulltime in Reno, and 3 commissioners. (See Exhibit H, Exhibit H-1, and Exhibit H-2.)

Mr. MacKay stated in order to regulate the motor carrier industry, public convenience and necessity certificates and contract carrier permits are issued by the NTA. He remarked there are currently 390 active certificates that are held by 331 distinct and separate legal entities, with a total of 4,050 vehicles that are on State roadways on a permanent basis. However, Mr. MacKay reported that that statistic does not include vehicles that are in service on a temporary basis by carriers in order to respond to extraordinary demands.

He outlined the two distinct categories of the NTA as being: (1) regulation of fully regulated carriers; and (2) regulation of partially regulated carriers. Mr. MacKay provided examples of fully regulated carriers as charter limousine operators, scenic tour operators, household goods movers, providers for airport transfer service, and contract carrier authority. He further commented the NTA oversees the regulation of taxicabs outside of Clark County. With respect to partially regulated carriers, Mr. MacKay said those are operators which the federal government has partially deregulated.

Mr. MacKay next addressed the three operational areas of the NTA: (1) applications; (2) enforcement; and (3) compliance with existing regulations. He testified individuals or entities that are seeking to apply to obtain the disparate types of operating authority within the NTA are subject to comprehensive inspection, including a criminal background investigation, State scope background, as well as an FBI background investigation. Relating to enforcement, Mr. MacKay testified the compliance officer's primary responsibility includes, but is not limited to, patrol and law enforcement activities, conducting risk-based operational inspections, and investigating complaints. He expressed pride in the work of his enforcement staff. Lastly, with respect to compliance with existing regulations, Mr. MacKay directed the focus to several factors, including ensuring carriers maintain the requisite levels of insurance, as well as comprehensive vehicle inspections.

Concluding, Mr. MacKay reported on the NTA budget accounts: (1) the Transportation Services Authority; and (2) the Administrative Fines, noting the administration account is 90 percent highway funds and 10 percent fee allocations.

- Senator Settlemeyer asked Mr. MacKay to explain the difference between who governs taxicabs in Clark County versus other counties, and if there is any way to look at that duplication to simplify regulations. Mr. MacKay remarked it is a bifurcated regulatory system with the Nevada Taxicab Authority (TA), Department of Business and Industry, regulating taxicabs in Clark County and the NTA, which regulates taxicabs everywhere other than Clark County. Mr. MacKay commented the agencies' regulations are quite different in multiple ways, observing the sheer size of the TA and their regulatory oversight versus the NTA. He further conveyed the TA is one hundred percent self-funded, while the NTA pays an annual fee of \$75 per vehicle. Continuing, Mr. MacKay stated outside of Clark County, certificate holders are permitted to employ either taxicab drivers or independent contractors as employees. Concluding,

he declared while the operations are dramatically different, both the NTA and TA strive to protect the safety of the traveling and shipping public.

- Chair Bustamante Adams directed Mr. MacKay's attention to the submitted Review Form and asked him to comment on the 186 motor coaches that came from out-of-state carriers to supplement Nevada's fleet for the 2013 Electric Daisy Carnival. Mr. MacKay pointed out that during the 3-day event, there were 250,000 passenger transfers facilitated by one of the NTA's certificated carriers. He went on to say that due to the lack of availability of motor coaches within the State that can be leased from other carriers, AWG Charter Services, the exclusive transportation provider, leases vehicles on a temporary basis from out-of-state carriers and are subject to the provisions of State law prior to being put into service. Mr. MacKay said the NTA has no authority to assess any vehicle or licensee fees for charter bus operators.
- At the behest of Chair Bustamante Adams, Mr. MacKay provided a brief overview of the status of the 2013 audit recommendations, represented that the NTA has accepted all seven of the findings by the auditors, and declared a six-month action plan was recently submitted, accepted, and implemented.

State Predatory Animal and Rodent Committee (NRS 567.020)

- James Barbee, Director, State Department of Agriculture (DOA), testified the State Predatory Animal and Rodent Committee (SPARC), while being in existence for many years, has not met in the last 15 to 20 years. He stated an informational meeting was held recently with members who were appointed in 2012. Mr. Barbee related the duties of SPARC included: (1) entering into an agreement with the United States Department of Agriculture (USDA) relative to the Wildlife Services program on the federal level that protects livestock from predatory animals; (2) entering into cooperative agreements with the Nevada Department of Wildlife (NDOW) to protect wildlife by controlling predator animals; and (3) focusing on health issues relating to rodent control. (See Exhibit I.)

Mr. Barbee noted in 2012, when it was brought to his attention that SPARC had not met for some time, he attempted to schedule a meeting but ran into difficulties when a board member's membership on another board was disputed. He stated the first meeting is scheduled for April 9, 2014. Mr. Barbee emphasized the benefits of SPARC is cross-communication with the State Board of Health, DHHS, the Board of Wildlife Commissioners, and State agriculture producers relative to predatory control issues through the Wildlife Services Program, as well as any rodent issues that may arise.

- Responding to Senator Settelmeyer's question if SPARC is the appropriate committee to review sage-grouse and raven issues, Mr. Barbee replied SPARC members will be discussing those topics at the next meeting, specifically looking at the cooperative agreements between the DOA and USDA Wildlife Services, which deals with livestock protection, and engages with the ravens and the 1,500 raven permit that exist.