

LCB File No. R064-02

**PROPOSED REGULATION OF THE
TAXICAB AUTHORITY**

Proposed Amendments to NAC chapter 706.

NRS 233B.050 requires every agency to review all its regulations at least once every ten years. Pursuant to that review, the following changes to NAC 706 are proposed.

Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 to 4, inclusive, of this regulation. (NRS 706.8818)

1. Every certificate holder shall maintain an investment of not less than 20 percent equity capital in his operations and include proof that he meets this requirement in his annual report filed with the taxicab authority.

2. A carrier who does not meet the requirement of subsection 1 shall, within 3 months after receiving notice from the taxicab authority of that failure, file a plan proposing the specific steps he will take to meet that requirement within the next 12 months.

3. Within 15 months after receiving notice from the taxicab authority that he does not maintain adequate equity capital, a certificate holder must have an investment of not less than 20 percent equity capital in his operations.

4. The certificate of a taxicab company who does not comply with this section may be revoked by the taxicab authority.

NAC 706.453 is hereby amended to read as follows:

1. The burden of proof by clear and convincing evidence is upon the applicant to satisfy the authority of his suitability to receive a certificate. He must demonstrate:

(a) His financial ability to provide continuous service.

(b) He has no record of a conviction of a felony or crime involving moral turpitude.

(c) He is not associated with, controls, is controlled by, or exercises common control with, an unsuitable person.

(d) He has sufficient experience or has employed persons with sufficient experience properly to manage a taxicab company.

(e) His good moral character.

2. The authority reserves the right to conduct an investigation before issuing a certificate or a permit. Upon determining that an investigation is necessary, the authority will notify the applicant of the estimated cost of the investigation. The authority will not commence the investigation until the applicant has paid one-half of the estimated cost.

3. In order to satisfy the requirements of 1(a) of this section, the applicant must demonstrate he has equity capital sufficient to acquire the necessary property and equipment, but not less than that required by (new section above.)

Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 and 2 of this regulation. (NRS 706.8818 and .8822)

1. The staff of the taxicab authority may attempt to resolve informally any oral complaint made by a member of the public against a certificate holder. If a member of the public is not

satisfied with the informal resolution of his complaint, the staff shall inform the member of the public that he has a right to file a written complaint with the staff of the taxicab authority.

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

Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 1, 2 and 3 of this regulation. (NRS 706.8818 and .8822)

1. A written complaint must:

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

(b) Be accompanied by copies of all supporting documents.

2. The staff of the taxicab authority shall maintain a record of each 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 certificate holder 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 taxicab authority shall:

(a) Within 10 days after receiving a written complaint, send a letter of acknowledgment to the complainant.

(b) Within 20 days after receiving a written complaint, serve a copy of it on the certificate holder against which the complaint is made and require the certificate holder to file a response to the complaint with staff.

Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 to 4, inclusive, of this regulation. (NRS 706.8818 and .8822)

1. A certificate holder against which a complaint is made shall file with the staff of the taxicab authority a written response to the complaint 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 taxicab authority within the prescribed time, the staff shall place the matter before the taxicab 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.

Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 and 2 of this regulation. (NRS 706.8818 and .8822)

1. When the staff of the taxicab authority receives a response to a 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 complaint, the staff of the taxicab authority shall notify all parties of the results of the investigation and shall recommend any actions which the parties should take to resolve the complaint.

Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 and 2 of this regulation. (NRS 706.8818 and .8822)

1. If the staff of the taxicab authority cannot resolve a 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 taxicab authority for review.

2. In addition to transmitting the complaint, the results of its investigation and its recommendation to the taxicab authority, the staff of the taxicab 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.

Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows: (NRS 706.8818 and .8822)

If the taxicab authority determines that no probable cause exists for a complaint received by the staff of the taxicab authority or if the complaint has been settled and the taxicab authority has received notice of the settlement, the taxicab authority will dismiss the complaint. A copy of the entry in the minutes of the taxicab authority showing the dismissal of the complaint by the taxicab authority and a short statement of the reasons for the dismissal will be served upon the complainant and respondent.

Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 and 2 of this regulation. (NRS 706.8818 and .8822)

If the taxicab authority determines that probable cause exists for a complaint received by the staff of the taxicab authority, it may:

- 1. Set a date for a public hearing on the complaint.*
- 2. Order appropriate interim relief.*

Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 and 2 of this regulation. (NRS 706.8818 and .151)

1. The driver of any taxicab shall make reasonable search of the interior of the taxicab at the termination of each trip.

2. All taxicab drivers shall make immediate report to the offices of their employers on the finding any package, article, baggage, or goods of any kind, left in the taxicabs of which they are in charge, and as soon as possible thereafter, turn any such item so found over to their employers. The employers of said taxicab drivers shall retain possession of said property in safe keeping to be disposed of pursuant to applicable law.

NAC 706.492 is hereby amended to read as follows:

A certificate holder shall not permit a taxicab to be operated in passenger service unless it meets all of the following standards in addition to those prescribed by NRS 706.8837:

1. The front suspension system is in good repair and proper working order.
 2. The engine, transmission and drive train, including mounts, are in good repair and proper working order and, during normal operation, do not die, miss, backfire or show noticeable loss of power.
 3. The engine, transmission, drive train or accessories must not emit loud noises so as to be disturbing to the passengers or distracting to the driver.
 4. The taxicab is equipped with an air filter or adequate flame arrester covering the air intake of the carburetor.
 5. The taxicab does not pull to the left or right or tend to drift under normal driving conditions.
 6. The engine, transmission, radiator or accessories do not allow a noticeable quantity of fluid to leak.
 7. The engine does not emit excessive smoke from either the exhaust or crankcase.
 8. All windows are operable, free of obstruction and the driver's view is not impaired in any direction.
 9. The brake lining is of sufficient thickness to prevent the metal portion of the brake shoe or pad from coming in contact with the brake drum or disk. Under normal braking conditions, the taxicab does not pull to the left or right or unusual locking of wheels does not occur.
 10. Heating and air-conditioning systems are mandatory equipment on all taxicabs operating in Nevada and are required to provide reasonable comfort to passengers at their request and must conform to reasonable standards of efficiency.
 11. All taxicabs ~~placed in service after January 1, 1989~~, must be equipped with:
 - (a) A mirror on the outside of the front door on the passenger's side;
 - (b) Operable trunk lid supports or a trunk rod or bar, one end of which is permanently affixed to the vehicle;
 - (c) Straps to tie down the trunk; ~~and~~
 - (d) Windows that have not been tinted more than the manufacturer's specifications for the vehicle.
- ~~[12(e). Seat belts must be maintained in a clean and operable condition at all times.~~
- ~~— [13. All taxicabs placed in service after January 1, 1992] must be equipped with:~~
- ~~[(a)](f)~~ Automatic locks which control all doors and which are operable at the driver's door; and
- ~~[(b)](g)~~ A trunk release which is operable from inside the trunk.

NAC 706.519 is hereby amended to read as follows:

1. In addition to the requirements of NRS 706.8842, an applicant must:
 - (a) Meet the requirements of the Federal Motor Carrier Safety Regulations, 49 C.F.R. 391.41 to 391.49, inclusive.

(b) Provide to the administrator a copy of a health certificate valid for at least ~~1~~ 2 years. If the health certificate expires before the proposed date of expiration of the applicant's permit, the applicant must obtain a new health certificate and furnish a copy to the administrator before issuance of the permit.

2. This section applies both to new applicants and applicants for renewal.

NAC 706.516 is hereby amended to read as follows:

1. Pursuant to NRS 706.8841, an applicant for a driver's permit may not be considered by the administrator to be fit, willing and able if he has:

(a) Been convicted of any felony within the past 5 years.

(b) Been convicted of driving under the influence of intoxicating liquor or drugs within the past 3 years.

(c) Been convicted of any offense involving the sale of narcotics, dangerous drugs or controlled substances.

(d) Been found by the administrator after sufficient background investigation, to be morally unfit or the administrator finds that issuance of a permit to him would be detrimental to the public health, welfare or safety.

2. An applicant for a driver's permit may be considered by the administrator to be morally unfit or the administrator may consider that the issuance of a permit to him would be detrimental to the public health, welfare or safety if he has:

(a) Been involved in and found to be the driver responsible for any accident resulting in the death of or injury to another.

(b) His past driving record shows that he is an habitual reckless or negligent driver.

(c) Is a frequent violator of the traffic laws.

(d) Has committed an offense in another state within the past 3 years which, if committed in this state, would be grounds for revocation of his driver's license or driver's permit.

(e) Has failed on at least two occasions to keep his written promise to appear in court for any offense.

(f) Has been convicted of any sexual offense or any offense involving moral turpitude.

(g) Has been convicted of any offense involving the possession of narcotics, dangerous drugs or controlled substances.

3. If the holder of a driver's permit is convicted of any of the offenses listed in section 2 of this regulation, he shall notify the authority within ten days of the conviction. Failure to notify the authority in a timely manner shall result in automatic revocation of his permit.

Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows: (NRS 706.8818 and .151)

No certificate holder shall issue a referral to any applicant until the applicant has provided the certificate holder with a copy of the physician's certificate required by NRS 706.8842 or a waiver as prescribed by 49 C.F.R. 391.41 et seq, along with satisfactory proof of the applicant's right to lawfully work in the United States.

Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 and 2 of this regulation. (NRS 706.8818 and .151)

1. At the end of each trip, the driver shall, upon request, provide his passenger with a receipt which includes the following:

- (a) The amount of the fare as it appears on the meter;*
- (b) The name of the certificate holder who owns the vehicle in which the passenger was transported; and*
- (c) The permit number of the driver.*

NAC 706.549 is hereby amended to read as follows:

1. A driver of a taxicab shall not work a ~~[shift]~~ *period of duty* longer than 12 consecutive hours except when under a charter or a trip, the charter or trip having commenced within a reasonable period before the end of the driver's ~~[shift]~~ *period of duty*.
2. Under no circumstances may a driver work longer than 16 hours within a 24-consecutive hour period.
3. A driver who has completed a ~~[shift]~~ *period of duty* of 8 hours or more must not be knowingly permitted or required to resume driving unless the driver has been off duty for at least 8 consecutive hours.
4. A certificate holder shall not knowingly require or permit any driver of a taxicab to work longer than 12 consecutive hours, except as provided in subsection 1.
5. Each certificate holder shall provide an appropriate, accurate and operable time clock. The time clock must be approved by the authority before its use, and the certificate holder shall require its drivers to time stamp their trip sheets at the beginning and end of each of their ~~[shifts]~~ *periods of duty*.

NAC 706.924 is hereby amended to read as follows:

1. Hearings will be held before the authority or administrator as prescribed by law. Notice of hearing before the authority or administrator will be served *on all parties to the proceeding* at least ~~10~~20 days before the hearing, indicating the place, date and hour of same.
2. All hearings before the authority which encompass rates, certificates or transfer of any existing authority vested in any person or corporation to operate a taxicab business must be noticed by publication and mailing.
3. The notice must be published one time not less than 10 days before the day fixed for the hearing in one newspaper of general circulation in Clark County, Nevada.
4. All hearings held before the administrator which encompass complaints against certificate holders to operate a taxicab service, suspension or revocation of a holder's certificate, preliminary allocation of taxicabs and complaints against taxicab drivers must be noticed to the person or corporation 10 days before the hearing. The notice of the hearing must indicate the purpose for the hearing, and the location, date and time of the hearing.

NAC 706.945 is hereby amended to read as follows:

1. Applicants or complainants shall present their evidence and such parties as may be opposing the application or complaint, shall submit their proof. The presiding officer of the authority or administrator shall determine the order in which ~~[interested]~~ parties introduce their evidence. Interveners shall, as far as possible, follow the party with respect to whom intervention is made. If the intervention is not in support of either original party, the presiding officer shall designate at which stage the interveners will be heard.

NAC 706.969 is hereby amended to read as follows:

1. The authority or administrator will cause a record to be made of all public hearings. ~~[Parties desiring copies of a transcript may obtain it from the official reporter upon payment of the fee fixed for it, as approved by the authority or administrator.]~~
2. *When an official reporter is required or requested*, [O]rdinary attendance charges, per diem and travel expenses and charges for copies of the transcript required by the authority or administrator for their own purposes will be paid by the moving party. ~~[Parties]~~ *Persons* desiring copies of a transcript may obtain it from the official reporter *or the authority* upon payment of the fee fixed for it, as approved by the authority or administrator.

NAC 706.552 is hereby amended to read as follows:

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

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

Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 to 4, inclusive, of this regulation. (NRS 706.8818 and .8832)

A certificate holder shall maintain a dispatch log for each taxicab dispatched to service a radio call. The log shall contain the following information:

1. *The date and time the call requesting transportation was received;*
2. *The name of the person or location requesting transportation;*
3. *The unit designation of the taxicab dispatched; and*
4. *The date and time the designated unit was dispatched to provide the requested transportation.*

NAC 706.477 is hereby amended to read as follows:

Certificate holders shall within 2 working days inform the administrator of the dismissal of any driver. *If the termination is for a cause which amounts to a potential violation of any of the*

provisions of NRS or NAC chapter 706, the certificate holder shall notify the administrator of the basis for the dismissal. Within 5 working days after the end of each month, certificate holders shall provide the authority with a list of all drivers whose employment was terminated during the month.

Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:
(NRS 706.8818)

If a certificate holder receives a complaint concerning a driver which amounts to a potential violation of any of the provisions of NRS or NAC chapter 706, the certificate holder shall notify the administrator of the complaint within 2 working days.

Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:
(NRS 706.8818)

Notice in writing must be given to the authority by the holder of a driver's permit within 10 working days of any change of name or home or mailing address of the holder of the driver's permit.

NAC 706.486 is hereby amended to read as follows:

1. Certificate holders shall equip ~~their~~ *each* taxicab~~s~~ with a cruising light approved by the administrator attached to the top of the taxicab which must be illuminated during the hours of darkness. These lights are not to be confused with the signal lights described in NAC 706.501.

2. Certificate holders shall display in bold block letters not less than 6 inches in height, the unit number of each taxicab, on the sides of both front fenders and on the left of the rear trunk lid of the taxicab in plain view, in a color contrasting with the color of the taxicab.

3. Certificate holders shall display their telephone number and the unit number of the taxicab within each taxicab in a location plainly visible to all passengers.

4. Certificate holders must secure approval from the administrator for their color scheme, insignia, cruising light design and assignment of unit designation numbers to ensure that they do not conflict with those of another certificate holder.

5. ~~Any~~ ~~e~~ Certificate holders shall affix inside ~~their~~ *each* taxicab, in a conspicuous place, a bracket or holder that would accommodate a 5-inch by 7-inch driver's permit and an authority rate card.

6. Certificate holders shall display inside each taxicab, in a location plainly visible to all passengers, a placard which states:

IMPORTANT!

You are riding in a (name of taxicab company) vehicle.

Please note the company name and unit number. This

information will be valuable in the event you leave property

in the vehicle or if you wish to file a complaint or commendation.

Nevada Taxicab Authority (702) 486-6532

~~6~~7. Any taxicab found to be in violation of this section by the authority will be placed out of service and not put back in service until inspection and approval by the authority.