

**ADOPTED REGULATION OF THE
NEVADA TRANSPORTATION AUTHORITY OF
THE DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R127-07

Effective September 18, 2008

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

AUTHORITY: §§1-4, 6, 8-10 and 12, NRS 706.171; §5, NRS 706.171, 706.421, 706.431, 706.443, 706.4464 and 706.6411; §7, NRS 706.167, 706.171, 706.172 and 706.173; §11, NRS 706.171 and 706.178; §13, NRS 706.171, 706.197 and 706.2883.

A REGULATION relating to motor carriers; requiring common motor carriers of passengers and their employees to remain with vehicles which are parked in passenger curb loading zones under certain circumstances; expanding the definition of “special services”; providing procedures for contract carriers to apply to the Nevada Transportation Authority for the addition of subsequent contracts; reducing the amount of time that driver vehicle inspection reports and related records are required to be maintained; authorizing the Chairman of the Authority or his designee to grant a waiver for the lease of certain vehicles which do not meet certain requirements for leasing; requiring certain drivers to hold or display certain signs while in a passenger curb loading zone; requiring certain employees of the Nevada Transportation Authority to be trained in certain federal safety regulations; requiring parties of record in proceedings before the Taxicab Authority to file a statement of intent to participate in appeals; and providing other matters properly relating thereto.

Section 1. Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

1. While on duty, a common motor carrier of passengers or his employee shall not leave his vehicle unattended in any passenger curb loading zone, unless the carrier or his employee is seeking a specific passenger who has requested that a vehicle be dispatched to the location.

2. *As used in this section, the term “passenger curb loading zone” has the meaning ascribed to it in NRS 484.109.*

Sec. 2. NAC 706.080 is hereby amended to read as follows:

706.080 “Livery limousine” means a motor vehicle engaged in the general transportation of persons for compensation that ~~is:~~

~~—1. Was a light truck, as that term is defined in 49 C.F.R. § 523.5, at the time of its manufacture; or~~

~~—2. Was] was~~ originally manufactured as having a capacity of 9 or more persons but less than 16 persons, including the driver.

Sec. 3. NAC 706.119 is hereby amended to read as follows:

706.119 “Special services” means the transportation of persons who have acquired the use of a vehicle for a special event, *or for a specific purpose as approved by the Nevada Transportation Authority*, between definite points of origin and destination, at a per capita rate. The term does not include charter services by bus, charter services by limousine, scenic tours or airport transfer services.

Sec. 4. NAC 706.124 is hereby amended to read as follows:

706.124 “Traditional limousine” means a motor vehicle ~~[that is]~~ engaged in the general transportation of persons for compensation ~~[and not operated on a regular schedule or over regular routes and:~~

~~—1. Was a passenger automobile, as that term is defined in 49 C.F.R. § 523.4, at the time of its manufacture and was later modified to increase its length; or~~

~~—2. Has] that was originally manufactured as having~~ a capacity of less than nine persons, including the driver.

Sec. 5. NAC 706.1375 is hereby amended to read as follows:

706.1375 Except as otherwise required in NAC 706.1376 and 706.1377:

1. An application for:

(a) The initial issuance, expansion or modification of a certificate ~~[of public convenience and necessity]~~ made pursuant to NRS 706.386 to 706.411, inclusive;

(b) A permit to act as a contract carrier made pursuant to NRS 706.421 to 706.436, inclusive;
~~[or]~~

(c) *The addition of a subsequent contract by a contract carrier, or*

(d) The sale and transfer of an interest in:

(1) A certificate;

(2) Fifteen percent or more of the stock of a corporation that holds a certificate;

(3) A partnership that holds a certificate; or

(4) A corporate entity that holds a certificate which would result in a change in the corporate control of the carrier,

↪ must, in addition to complying with the provisions of NAC 706.010 to 706.4019, inclusive, *and section 1 of this regulation*, that are applicable to pleadings, contain the data set forth in subsection 2.

2. An application described in subsection 1 must contain the following data, either in the application or as exhibits attached thereto:

(a) The type of service, if any, presently being performed by the applicant, a general description of the service and a reference to the authority pursuant to which the service is being performed.

(b) The type of service proposed, a general description of the service and a reference to the authority pursuant to which the service is to be performed.

(c) The specific authority requested and the statutory provision pursuant to which the certificate is requested.

(d) If the applicant proposes to be a carrier of household goods, a description of the types of household goods proposed to be transported.

(e) The geographical area proposed to be served pursuant to the certificate, including, without limitation, the terminal and other points to be served, the number and location of points where equipment will be located, and a concise, narrative description of the proposed route.

(f) A map or sketch of the route and points to be served, drawn to a suitable scale which is indicated on the map or sketch. The map or sketch must show present and proposed operations by distinctive coloring or marking.

(g) If the applicant proposes to be a contract carrier **H** *or is an existing contract carrier proposing to add subsequent contracts*, a copy of each proposed contract.

(h) A statement of the rates or fares proposed to be charged and the rules governing service in the form of a tariff prepared pursuant to NAC 706.138 to 706.139, inclusive.

(i) The type and number of units of equipment to be used in the proposed service and a statement as to which units of equipment are owned by the applicant that includes, without limitation, photographs of the equipment to be used and a copy of the registration and title of each vehicle currently owned by the applicant which will be used under its operating authority. If the applicant proposes to operate a taxicab service, the application must include the proposed color scheme of the vehicles that will be used to provide the taxicab service.

(j) A statement indicating the frequency of the proposed service. If on-call service is proposed, the application must set forth the conditions under which the service would be performed.

(k) A statement of the qualifications and experience of the personnel who will manage and operate the proposed service and the proposed operating procedures related to service, safety, maintenance, training of drivers, billing, relations with customers and the keeping of records.

(l) A statement describing the facilities which will be used to provide the proposed service, such as terminals, shops, warehouses or offices.

(m) Facts showing that the proposed operation is or will be beneficial to the traveling public.

(n) If the applicant is a corporation or limited-liability company, a copy of its articles of incorporation or articles of organization, certified by the Secretary of State, and all effective amendments thereto. If the corporation or limited-liability company was incorporated or established in another state, the application must include:

(1) A copy of the certificate issued by the Office of the Secretary of State authorizing the corporation or limited-liability company to transact its business in the State of Nevada; or

(2) Its equivalent, as provided in NRS 80.120.

(o) If the applicant is a partnership, a copy of the partnership agreement and any amendments made thereto.

(p) If the applicant is not a natural person, a list of all owners, including associated stock certificates, membership certificates or associated documents, along with the percentage of ownership of each partner, member or owner. If the applicant is a publicly traded corporation, the application may include a copy of Form 10-K, or its equivalent, filed by the corporation with the Securities and Exchange Commission that shows the controlling ownership, officers and

directors in lieu of the list of all owners, including associated stock certificates, membership certificates or associated documents.

(q) Evidence that the applicant is financially able to operate the proposed business, including, without limitation:

(1) A statement of income for the 12-month period immediately preceding the application.

(2) A pro forma statement of income for the first 12-month period, presented in a monthly basis format, of the proposed operation using the proposed rates. The *Nevada* Transportation ~~[Services]~~ Authority may require, as a condition to the granting of the application, that the applicant is prohibited from placing into service more vehicles than the vehicles projected in the pro forma statement for any period that the *Nevada* Transportation ~~[Services]~~ Authority deems necessary to ensure that the granting of the application will not unreasonably and adversely affect other carriers operating in the territory.

(3) A balance sheet which was prepared not more than 6 months before the date of the application which:

(I) For a sole proprietorship or partnership, must reflect the personal and business operations of the sole proprietor or each general partner.

(II) For a corporation, limited-liability company or partnership, must reflect the entire business operations.

(4) A list of the names and addresses of all transportation entities owned by or under the control of the applicant.

↪ All financial statements must be prepared pursuant to generally accepted accounting principles, except that the personal financial statement of a sole proprietor or general partner may be prepared on the basis of estimated values.

(r) If the applicant is operating under a fictitious name, a copy of the certificate filed pursuant to chapter 602 of NRS, if applicable.

(s) Evidence that the applicant can secure the insurance required by NAC 706.191.

(t) If the applicant is proposing to transport and store household goods and effects, proof that the applicant has the ability to store such goods and effects in a warehouse operated in accordance with the requirements of chapter 712 of NRS. As used in this paragraph, “warehouse” includes, without limitation, any structure used for the reception and storage of household goods and effects.

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

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

Sec. 6. NAC 706.140 is hereby amended to read as follows:

706.140 Every common or contract motor carrier shall comply with NAC 706.147 to 706.269, inclusive, *and section 1 of this regulation*, and shall instruct his employees and agents concerned with the transportation of persons or property by motor vehicle with respect thereto.

Sec. 7. NAC 706.203 is hereby amended to read as follows:

706.203 1. An authorized carrier operating motor vehicles within this State shall maintain a centralized accounting system and the records required by the *Nevada* Transportation ~~[Services]~~ Authority in a designated headquarters.

2. ~~[All]~~ *Except as otherwise provided in subsection 3, all* records required *by the Nevada Transportation Authority* to be maintained by ~~[the Transportation Services Authority]~~ *an authorized carrier* must be maintained by the authorized carrier for at least 3 years. ~~[and are subject to inspection or audit by the Transportation Services Authority or its designated agent at any time during regular business hours.]~~

3. *Driver vehicle inspection reports and records relating to such reports which are required to be maintained pursuant to 49 C.F.R. §§ 396.11 and 396.13 must be maintained by the authorized carrier for at least 3 months after the date the written report was prepared.*

4. *All records required by the Nevada Transportation Authority to be maintained by an authorized carrier are subject to inspection or audit by the Nevada Transportation Authority or its designated agent at any time during regular business hours.*

Sec. 8. NAC 706.210 is hereby amended to read as follows:

706.210 1. A common motor carrier authorized to operate a traditional limousine or livery limousine shall not lease any vehicle that it uses as a traditional limousine or livery limousine without the prior approval of the Chairman or his designee.

2. A carrier must submit a request for the approval of such a lease to the *Nevada* Transportation ~~[Services]~~ Authority at least 10 working days before the execution of the lease. The Chairman or his designee shall approve or disapprove the lease within 10 working days after receiving the request for the approval of the lease. If the Chairman or his designee does not

approve or disapprove the lease within 10 working days after receiving the request for approval of the lease, the lease shall be deemed to be approved.

3. The Chairman or his designee shall approve such a lease if:

(a) The vehicle will be leased for not more than 14 days;

(b) The vehicle will be used only in an operation authorized by the certificate of the carrier;

(c) Including the vehicles to be leased by the carrier under the lease:

(1) Not more than one-half of the vehicles of the carrier will be leased; and

(2) The total number of vehicles operated by the carrier does not exceed the number of vehicles the carrier is authorized to operate pursuant to its operating authority;

(d) The driver of the vehicle will be an employee of the carrier who has no ownership interest in the vehicle; and

(e) The carrier demonstrates to the satisfaction of the Chairman or his designee that the carrier temporarily needs to increase the size of its fleet, including, without limitation, facts which indicate that the carrier expects to experience:

(1) An increase in customer demand; or

(2) A decrease in the size of its permanent fleet.

4. *The Chairman or his designee may approve the lease of a vehicle that does not comply with paragraph (a) of subsection 3 or subparagraph (1) of paragraph (c) of subsection 3 if:*

(a) The authorized carrier files a petition for a waiver of the requirement with which the lease does not comply; and

(b) The Chairman or his designee finds that approval of the lease would be in the public interest.

↪ The Nevada Transportation Authority shall issue a public notice of the receipt of a petition for a waiver received pursuant to this subsection.

5. If a lease is approved pursuant to this section:

(a) A copy of the lease must be submitted to the *Nevada* Transportation ~~[Services]~~ Authority not later than the date on which the lease becomes effective; and

(b) A copy of the lease and a copy of the approval of the lease must be:

(1) Carried in the vehicle during the period of the lease; and

(2) Maintained by the carrier for a minimum of 3 years.

~~[5.]~~ 6. A carrier may not lease vehicles for more than 45 days in any calendar year.

~~[6.]~~ 7. The approval of a lease pursuant to this section does not relieve the carrier of the obligation to comply with all other laws that otherwise apply with respect to the operation of the traditional limousine or livery limousine.

Sec. 9. NAC 706.228 is hereby amended to read as follows:

706.228 1. A certificate holder who is a fully regulated carrier or his employee shall not solicit passengers.

2. A certificate holder or his employee may:

(a) Answer questions posed by a potential passenger if the conversation is initiated by the potential passenger;

(b) Advertise on the side of a vehicle or on permanently located signs;

(c) Provide brochures in permanently mounted racks or stands;

(d) Establish booths in airports, hotels or other locations;

(e) Advertise in the media or through direct mailing;

(f) Conduct any other marketing activity which has been determined not to be solicitation by the *Nevada* Transportation ~~[Services]~~ Authority; or

(g) When engaged in the business of transferring persons from an airport, greet potential passengers using one of the following phrases:

(1) “May I help you?”

(2) “Good morning.”

(3) “Good afternoon.”

(4) “Good evening.”

3. ~~[With the prior approval of the Transportation Services Authority with regard to dates and locations, a driver may]~~ *While on duty at any passenger curb loading zone, a certificate holder who is authorized to provide airport transport service, charter service by limousine or special services, or his employee, shall hold up or display a sign which is visible to the public that ~~[contains]~~:*

(a) Must be not more than 18 by 24 inches in size;

(b) Contains the company name, the “CPCN” number ~~[,]~~ and the words “For Hire”; and

(c) Contains the approved rates ~~[and the words “For Hire.” Such a sign must be not more than 18 by 24 inches in size.]~~ for the vehicle in letters not less than 2 inches in height in

sharply contrasting colors which are legible from a distance of at least 50 feet,

↪ unless the certificate holder or his employee is waiting for a passenger who has arranged for the transportation by reservation or is seeking a specific passenger who has requested that the vehicle be dispatched to the location.

4. ~~[A]~~ *While on duty, a* certificate holder *who is a fully regulated carrier* or his employee shall not stand *a vehicle* or park a ~~[traditional limousine or livery limousine]~~ *vehicle* within 50 feet of a designated taxicab stand unless:

(a) The taxicab stand is located at an airport owned by a governmental entity; or

(b) The Chairman or his designee has authorized the certificate holder to stop or park the ~~[traditional limousine or livery limousine]~~ *vehicle* within 50 feet of the designated taxicab stand.

5. While on duty, a certificate holder who is a fully regulated carrier or his employee shall not stand within 50 feet of a designated taxicab stand ~~[to solicit transportation services]~~ unless:

(a) The taxicab stand is located at an airport owned by a governmental entity; or

(b) The Chairman or his designee has authorized the certificate holder to stop or park within 50 feet of the designated taxicab stand.

6. As used in this section ~~[, “solicit”]~~:

(a) *“Passenger curb loading zone” has the meaning ascribed to it in NRS 484.109.*

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

~~[(a)]~~ (1) Except as otherwise provided in subsection 2, initiating conversation with potential passengers;

~~[(b)]~~ (2) Shouting information;

~~[(c)]~~ (3) Waving signs;

~~[(d)]~~ (4) Waving arms or hands;

~~[(e)]~~ (5) Flashing lights;

~~[(f)]~~ (6) Ringing bells;

~~[(g)]~~ (7) Blowing horns;

~~(h)~~ (8) Blocking access to other motor carriers; or

~~(i)~~ (9) Except as otherwise provided in subsections 2 and 3, any other activity designed to attract passengers,

↪ unless the passenger has arranged for the transportation by reservation or the driver is seeking a specific passenger who has requested that the driver's vehicle be dispatched to the location.

Sec. 10. NAC 706.239 is hereby amended to read as follows:

706.239 1. Special services may be provided only by a common motor carrier authorized to provide such service, in connection with a special event ~~(j)~~ *or for a specific purpose as approved by the Nevada Transportation Authority*, for which the carrier or a person on his behalf intends to provide transportation on the basis of individual fares. The rate for special services may include charges for items in addition to transportation, such as fees for admission, but the portion attributable to transportation must be specifically designated as such in the filed tariff.

2. A common motor carrier authorized to provide special services shall file with the *Nevada* Transportation ~~(k)~~ Authority a tariff showing the per capita fares, minimum number of persons required for special services and the particular geographical points of origin and destination.

3. A common motor carrier offering special services shall not render the service unless a request for approval has been filed with the *Nevada* Transportation ~~(l)~~ Authority at least 10 working days before the services are to be offered stating:

- (a) The point or points of origin;
- (b) The destination or destinations;
- (c) The special event *or specific purpose* for which the service is to be provided; and

(d) The dates when the service is proposed to be rendered.

↪ The Chairman or his designee shall approve or disapprove the request for approval within 10 working days after receiving the request. If the Chairman or his designee does not approve or disapprove the request for approval within 10 working days after receiving it, the request shall be deemed to be approved. One copy of the request for approval must be carried in the vehicle making the trip, and one copy must be retained in the carrier's files for at least 3 years.

4. A carrier may not operate over the same route or to the same points so frequently as to constitute a regular or scheduled service, unless otherwise specified by the *Nevada* Transportation ~~[Services]~~ Authority.

5. A common motor carrier authorized to provide special services shall not charter equipment to provide those services. He shall ensure that the use of his vehicles complies with the provisions of this chapter.

Sec. 11. NAC 706.247 is hereby amended to read as follows:

706.247 1. The Department, the Department of Public Safety and the *Nevada* Transportation ~~[Services]~~ Authority hereby adopt by reference the regulations contained in 49 C.F.R. Parts 40, 382, 383, 385, 387, 390 to 393, inclusive, 395, 396 and 397, and Appendices B and G of 49 C.F.R. Chapter III, Subchapter B, as those regulations existed on October 1, 2005, with the following exceptions:

(a) References to the Department of Transportation and the Federal Motor Carrier Safety Administration are amended to refer to the Department *of Motor Vehicles* and the *Nevada* Transportation ~~[Services]~~ Authority.

(b) References to the Administrator of the Federal Motor Carrier Safety Administration and to the Director are amended to refer to the Director of the Department and the Chairman.

(c) Section 391.11(b)(1) applies only to drivers of commercial motor vehicles who:

(1) Operate in interstate transportation;

(2) Transport passengers intrastate; or

(3) Transport hazardous material of a type or quantity that requires the vehicle to be marked or placarded in accordance with 49 C.F.R. §§ 172.300 and 172.500.

(d) References to special agents in Appendix B of 49 C.F.R. Chapter III, Subchapter B, are amended to include personnel of the Department and the *Nevada* Transportation ~~Services~~ Authority.

(e) The definition of “motor carrier” in 49 C.F.R. §§ 390.5 and 397.65 is amended to read:

“Motor carrier” includes, without limitation, interstate and intrastate common, contract and private carriers of property and passengers, including, without limitation, their agents, officers and representatives.

(f) The definition of “commercial motor vehicle” in 49 C.F.R. §§ 382.107, 385.3 and 390.5 is amended to read:

“Commercial motor vehicle” means any self-propelled or towed vehicle used on public highways in:

1. Interstate commerce to transport passengers or property if the vehicle:

(a) Is designed to transport more than eight passengers, including, without limitation, the driver;

(b) Is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Secretary pursuant to 49 U.S.C. §§ 103, 104 and 106; or

(c) Has a gross vehicle weight rating, gross combination weight rating or gross vehicle weight of 10,001 or more pounds, whichever is greater.

2. Intrastate commerce to transport passengers or property if the vehicle:

(a) Is one described in paragraph (a) or (b) of subsection 1;

(b) Has a gross vehicle weight rating, gross combination weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater; or

(c) Is owned or operated by a motor carrier subject to the jurisdiction of the *Nevada* Transportation ~~[Services]~~ Authority, except that any vehicle so owned or operated is subject only to the provisions of 49 C.F.R. §§ 392.2, 392.4, 392.5 and 392.9 and 49 C.F.R. Parts 40, 382, 383, 385, 390, 391, 393, 395, 396 and 397 if the vehicle is not one described in paragraph (a) or (b) . ~~[or being used pursuant to the exemption from hours of service limitations set forth in NRS 706.687.]~~

2. To enforce these regulations, enforcement officers of the Department and *compliance enforcement officers of the Nevada* Transportation ~~[Services]~~ Authority may, during regular business hours, enter the property of a carrier to inspect its records, facilities and vehicles, including, without limitation, space for cargo and warehouses.

3. *Each compliance enforcement officer employed by the Nevada Transportation Authority pursuant to NRS 706.176 shall complete training regarding the federal regulations adopted by reference in subsection 1 which relate to common, contract and private motor*

carriers of passengers and property, including, without limitation, training in commercial vehicle safety inspections provided by the Nevada Highway Patrol.

4. The volume containing 49 C.F.R. Parts 325 to 399, inclusive, is available from the Superintendent of Documents, P.O. Box ~~[371954, Pittsburgh, Pennsylvania 15250-7954,]~~ *979050, St. Louis, Missouri 63197-9000*, at the price of ~~[\$64.]~~ *\$32*. The volume containing 49 C.F.R. Part 40 is available from the Superintendent of Documents, P.O. Box ~~[371954, Pittsburgh, Pennsylvania 15250-7954,]~~ *979050, St. Louis, Missouri 63197-9000*, at the price of ~~[\$56.]~~ *\$60*. The volumes are also available at the Internet address <http://www.gpoaccess.gov/cfr/index.html>.

Sec. 12. NAC 706.379 is hereby amended to read as follows:

706.379 1. A common or contract motor carrier authorized to operate a taxicab, traditional limousine, livery limousine, bus or other vehicle shall regularly inspect each vehicle operated and keep a record of the inspection as required pursuant to subsection 5 of NAC 706.381.

2. Except as otherwise provided in this section, each vehicle must be maintained in conformance with the following standards:

(a) The system that comprises the front suspension must be in good repair and proper working order.

(b) The engine and drivetrain of the vehicle, including other parts necessary to connect the engine and drivetrain to each other or to other parts of the vehicle, must be in good repair and proper working order so that, during normal operation, the engine does not die, miss, backfire or show noticeable loss of power.

(c) The engine, drivetrain and accessories of the vehicle must not emit loud noises that disturb the passengers of or distract the driver of the vehicle.

(d) The vehicle must be equipped with an air filter or adequate flame arrester covering the air intake of the fuel delivery system.

(e) The vehicle must not pull to the left or the right or tend to drift under normal driving conditions.

(f) The engine, drivetrain, radiator and other accessories must not allow a noticeable amount of fluid to leak.

(g) The engine must not emit an excessive amount of smoke from the crankcase or system for exhaust.

(h) Each window of the vehicle must be operable, free from obstruction and afford the driver a view that is unimpaired.

(i) The linings of the brakes must be of sufficient thickness to prevent the metal portion of the brake shoe or pad from coming into contact with the brake drum or disc. Under normal braking conditions, the vehicle must not pull to the left or to the right and the wheels of the vehicle must not lock.

(j) The vehicle must be equipped with systems for heating and air-conditioning that provide to passengers a reasonable level of comfort and which conform to reasonable standards of efficiency.

(k) The vehicle must be equipped with seat belts which must be maintained in a clean and operable condition at all times.

3. In addition to the standards set forth in subsection 2, each taxicab that is placed into service after March 1, 1999, must be equipped with:

(a) A mirror located on the outside of the front door on the passenger's side of the taxicab.

(b) A bar, rod or other support to maintain the lid of the trunk of the taxicab in an open position. One end of the bar, rod or support must be affixed permanently to the taxicab.

(c) Straps to tie down the lid of the trunk.

(d) Windows that are not tinted more darkly than recommended or specified by the manufacturer of the taxicab.

4. In addition to the standards set forth in subsections 2 and 3, each taxicab, traditional limousine and livery limousine that is placed into service after March 1, 1999, must be equipped with:

(a) A lock on each door of the taxicab *or limousine* that may be operated remotely by the driver of the taxicab *or limousine* with controls located on the driver's door or in another location within easy reach of the driver.

(b) A lever, switch or other device which opens the trunk of the taxicab *or limousine* from inside the trunk.

5. In addition to the standards set forth in subsections 2, 3 and 4, each traditional limousine and livery limousine that is placed into service after March 1, 1999:

(a) Must be certified by its manufacturer as suitable for use as a traditional limousine or livery limousine, as appropriate, if the manufacturer makes such certifications; and

(b) Must have been modified for use as a traditional limousine or livery limousine, as appropriate, by a builder of coaches or other modifier of motor vehicles who is certified as such by the manufacturer of the vehicle, if the manufacturer makes such certifications.

6. A restored theme or antique vehicle is not required to meet the standards set forth in paragraph (j) of subsection 2 or subsection 4.

7. If an employee of the *Nevada* Transportation ~~{Services}~~ Authority does not withdraw a vehicle from service pursuant to NAC 706.381, but the carrier knows or should have reason to know the vehicle does not conform to the standards prescribed in subsections 2 to 5, inclusive, the carrier shall withdraw the vehicle from service at the end of the operating day and the vehicle may not be placed back into service until any defective condition has been corrected and the vehicle is in compliance with subsections 2 to 5, inclusive. If the vehicle does not conform to the standards prescribed in subsections 2 to 5, inclusive, and the carrier knows or should have reason to know the vehicle poses an immediate and substantial threat to the safety of the public or passengers of the vehicle, the carrier shall immediately withdraw the vehicle from service until any defective condition has been corrected and the vehicle is in compliance with subsections 2 to 5, inclusive, and no longer poses an immediate and substantial threat to the safety of the public or passengers. Failure of the carrier to take these actions may result in the suspension or revocation of the carrier's permit or certificate. Notice of repair of the vehicle must be made pursuant to NAC 706.381 before the vehicle may be operated.

8. As used in this section, "drivetrain" has the meaning ascribed to it in NRS 482.3666.

Sec. 13. NAC 706.9914 is hereby amended to read as follows:

706.9914 1. Not later than 15 days after the date of service of a final decision of the Taxicab Authority rendered pursuant to NRS 706.8819, an aggrieved party may appeal the decision to the *Nevada* Transportation ~~{Services}~~ Authority by:

- (a) Filing a notice of appeal with the *Nevada* Transportation ~~{Services}~~ Authority; and
- (b) Serving a copy of the notice of appeal upon the Taxicab Authority and all parties of record ~~{ }~~ *to the proceeding that was before the Taxicab Authority.*

2. A notice of appeal must include, without limitation:

(a) A statement indicating that the appellant is an aggrieved party who is appealing a final decision of the Taxicab Authority;

(b) The case name and number of the final decision being appealed; and

(c) The date on which the final decision was rendered by the Taxicab Authority.

3. A notice of appeal must be accompanied by:

(a) A copy of the final decision rendered by the Taxicab Authority that is being appealed; and

(b) A filing fee of \$200 payable to the *Nevada* Transportation ~~{Services}~~ Authority.

4. Any party to the proceeding that was before the Taxicab Authority who desires to participate in the appeal must, within 20 days after service of the notice of appeal:

(a) File a statement of intent to participate in the appeal with the Nevada Transportation Authority; and

(b) Serve the statement upon the Taxicab Authority and all parties of record to the proceeding that was before the Taxicab Authority.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R127-07

The Nevada Transportation Authority adopted regulations assigned LCB File No. R127-07 which pertain to chapter 706 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

- 1. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

Copies of the notices of workshops and notices of intent to act upon the regulations were sent by U.S. mail to all persons on the Authority's mailing list for administrative regulations and to all motor carriers licensed by the Authority. Copies of all materials relating to the proposal were made available at the workshops, at the offices of the Authority, on the Authority's website at www.nta.nv.gov, and were posted at all county libraries.

Workshops were held on October 3, 2007 and April 9, 2008. On or about March 21, 2008, the Authority issued a Notice of Intent to Act Upon a Regulation. A public hearing was held on May 14, 2008. The minutes of the two workshops and the public hearing, attached hereto, contain summaries of the discussion held regarding the proposed amendments.

A copy of this summary of the public response to the proposed regulation may be obtained from the Authority, 2290 South Jones Blvd. Suite 110, Las Vegas, Nevada 89146, (702)486-3303, or e-mail to jday@nta.nv.gov.

- 2. The number of persons who:**

Attended each hearing: October 3, 2007—25; April 9, 2008—37; May 14, 2008—14.

Testified at each hearing: October 3, 2007—9; April 9, 2008—16; May 14, 2008—4.

Submitted to the agency written comments: 1.

- 3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #1.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reason for adopting the regulation without change.

Not applicable. The permanent regulation was adopted on May 14, 2008 and included changes suggested at the workshops and the adoption hearing.

5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately and each case must include:

- a. Both adverse and beneficial effects; and**
- b. Both immediate and long-term effects**

Both adverse and beneficial effects

The proposed revisions will have no significant adverse or beneficial economic impact upon the regulated industry or the public, either immediately or long-term. Charter limousine carriers may realize negligible economic benefit related to abbreviated record retention standards and broader authority to lease vehicles. These carriers will have additional, although minor, requirements to display signs and to avoid leaving a vehicle unattended in passenger loading areas. These nominal adverse and beneficial economic effects on carriers are unlikely to have an economic effect on customers or the general public.

Both immediate and long-term effects

The effects described in Item #5(a) are immediate and long-term.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the Authority for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed amendments duplicate.

8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

N/A

9. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A

10. **Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

The Authority has determined that the proposed regulation does not impose a direct and significant economic burden upon small business or restrict the formation, operation or expansion of a small business. In making this determination the Authority considered that numerous representatives of affected small businesses were present at the two workshops and the hearing; that at the workshops and the hearing Chairman Andrew J. MacKay asked the participants to address any impact on small business; and that no impacts on small business were identified.