

## LCB File No. R170-08

### PROPOSED REGULATION OF THE NEVADA TRANSPORTATION AUTHORITY OF THE DEPARTMENT OF BUSINESS AND INDUSTRY

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

AUTHORITY: §1, NRS 706.171 and NRS 706.321; and §§2-4, NRS 706.171.

A REGULATION relating to motor carriers; setting forth fuel surcharge rates for charter limousine carriers; requiring authorized carriers to provide copies of periodic inspection reports to the Nevada Transportation Authority; increasing the number of contracts a contract carrier may enter; 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. In addition to the rates outlined in its tariff on file with the Nevada Transportation Authority, a carrier authorized to provide charter service by limousine may charge and collect from its passengers a fuel surcharge as outlined in subsection 2.*
- 2. The fuel surcharge will be added on an hourly basis in accordance with the following fuel surcharge table:*

<i>Fuel Price:</i>	<i>Surcharge:</i>
<i>\$2.65-2.99</i>	<i>\$3.00</i>
<i>\$3.00-3.49</i>	<i>\$4.00</i>
<i>\$3.50-3.99</i>	<i>\$5.00</i>
<i>\$4.00-4.49</i>	<i>\$6.00</i>
<i>\$4.50-4.99</i>	<i>\$7.00</i>
<i>\$5.00-5.49</i>	<i>\$8.00</i>

<i>Fuel Price:</i>	<i>Surcharge:</i>
<i>\$5.50-5.99</i>	<i>\$9.00</i>
<i>\$6.00-6.49</i>	<i>\$10.00</i>
<i>\$6.50-6.99</i>	<i>\$11.00</i>
<i>\$7.00-7.49</i>	<i>\$12.00</i>
<i>\$7.50-7.99</i>	<i>\$13.00</i>
<i>\$8.00-</i>	<i>\$14.00</i>

- 3. The amount of the fuel surcharge will be determined as follows:*
  - (a) On the twenty-fifth day of each calendar month, the retail price per gallon of regular and the retail price per gallon of diesel fuel will be determined by referring to the*

*United States Department of Energy, Energy Information Administration's survey on Weekly Retail Gasoline and Diesel Prices.*

*(1) The West Coast area average (PADD 5) will be used.*

*(2) The price can be obtained by calling the Department of Energy Fuel Hotline at (202) 586-6966 or via the Department of Energy website at [www.eia.doe.gov](http://www.eia.doe.gov).*

*(3) If the twenty-fifth day of the calendar month is a federal holiday and is the date of publication of the survey, then the price will be determined based on the price available on the following business day.*

*(b) The fuel price on the twenty-fifth of each calendar month will determine the fuel surcharge amount, pursuant to the table set forth in subsection 2 of this section, which will be applicable on the first day of the following month and remain in effect through the last day of that calendar month.*

*4. A charter limousine carrier intending to collect the fuel surcharge shall include the fuel surcharge table and rules as forth in subsections 2 and 3 of this section in its tariff on file with the Authority.*

**Sec. 2.** 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 Authority in a designated headquarters.

2. Except as otherwise provided in subsection 3, all records required by the Nevada Transportation Authority to be maintained by an authorized carrier must be maintained by the authorized carrier for at least 3 years.

3. Driver vehicle inspection reports and records relating to such reports which are required to be maintained pursuant to 49 C.F.R. Part 396 §§11 and 13 must be maintained by the authorized carrier for at least 3 months after the date the written report was prepared.

4. *Within 30 days after the date on which a periodic vehicle inspection is due pursuant to 49 C.F.R. Part 396 §17, an authorized carrier must deliver to the Nevada Transportation Authority a true and correct copy of the periodic inspection report in the form required by 49 C.F.R. Part 396 §17.*

5. 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. 3.** NAC 706.232 is hereby amended to read as follows:

706.232 A contract motor carrier shall not:

1. Operate between fixed terminals, provide service over a regular route or operate over the same route or to the same points so frequently as to constitute a regularly scheduled route or service, unless approved by the Transportation Services Authority;

2. Operate in such a manner that would interfere with the operation of a common motor carrier;

3. Conduct any operation as a common motor carrier; or

4. Provide transportation pursuant to more than ~~three~~ *five* contracts.

**Sec. 4.** NAC 706.274 is hereby amended to read as follows:

706.274 A carrier who obtains a contract permit:

1. May have a contract containing not more than ~~three~~ *five* shippers or not more than ~~three~~ *five* contracts, but neither the total number of contracts nor the total number of shippers may exceed ~~three~~ *five*; and

2. Must present sufficient evidence to the Transportation Services Authority that either the number of contracts held by the contract carrier does not exceed the number of vehicles owned by the contract carrier and that at least one vehicle is dedicated to each individual shipper, or, when the number of vehicles owned by the carrier is less than the number of shippers in a single contract, the contract carrier must explain in the contract how the exclusive use will be provided to the shipper for a continuing period.