

**PROPOSED REGULATION OF THE  
NEVADA TAXICAB AUTHORITY**

**LCB File No. R003-16**

DEPARTMENT OF BUSINESS AND INDUSTRY

**NOTICE OF INTENT TO ACT UPON A REGULATION  
and  
NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS**

The Taxicab Authority will hold a public hearing at 9:00 a.m., on October 27, 2016, at:

*Taxicab Authority Hearing Room  
2080 E. Flamingo Road, Suite 114  
Las Vegas, Nevada 89119*

The purpose of this hearing is to receive comments from all interested persons regarding the adoption of regulations to the Nevada Administrative Code implementing Senate Bill 376 of the 78<sup>th</sup> (2015) Nevada Legislative Session. The proposed regulations have been designated as File No. R003-16 by the Nevada Legislative Counsel Bureau.

The following information is provided pursuant to the requirements of 233B.0603:

1. The proposed adoption of regulations to the Nevada Administrative Code is necessary to create procedures for Senate Bill 376 of the 78<sup>th</sup> (2015) Nevada Legislative Session that permits certificate holders to lease taxicabs to independent contractors in Southern Nevada in counties regulated by the Taxicab Authority. The proposed regulations are related to:
  - a) Establishing provisions governing when and the manner in which a certificate holder may participate in leasing its taxicabs to independent contractors [Senate Bill 376 of the 78<sup>th</sup> (2015) Nevada Legislative Session];
  - b) Establishing provisions governing who may qualify as independent contractors permitted to lease taxicabs and their responsibilities during lease periods [Senate Bill 376 of the 78<sup>th</sup> (2015) Nevada Legislative Session];
  - c) Establishing regulations regarding the issuance of lease medallions to taxicab owners and their responsibilities during lease periods [Senate Bill 376 of the 78<sup>th</sup> (2015) Nevada Legislative Session];
  - d) Establishing procedures for the submission and approval of lease agreements and/or templates prior to parties entering into such agreements [Senate Bill 376 of the 78<sup>th</sup> (2015) Nevada Legislative Session];
  - e) Establishing provisions governing security deposits [Senate Bill 376 of the 78<sup>th</sup> (2015) Nevada Legislative Session];
  - f) Establishing provisions regarding the applicability of existing laws and regulations to independent contractors and taxicab owners during lease periods [Senate Bill 376 of the 78<sup>th</sup> (2015) Nevada Legislative Session].

2. The proposed regulations will vary in its impact to existing certificate holders and independent contractors. There are many variables such as the number of independent contractors interested in leasing, the duration of the lease(s), and cost of lease(s) that make it difficult to project what percentage of independent contractors will lease taxicabs pursuant to Senate Bill 376 of the 78<sup>th</sup> (2015) Nevada Legislative Session. Similarly, certificate holders have their own separate variables to consider including their responsibilities towards benefit coverage, insurance, cost of maintenance, and the cost of ensuring independent contractors satisfy the terms of their agreements. Some certificate holders have expressed having no interest in leasing while others remain open to the possibility of participating in leasing. As these factors will affect who will participate and to what extent, the proposed regulations will have varying economic effects on businesses they regulate.

Immediate effects include providing current certificate holders and independent contractors flexibility in defining their business relationships. Independent contractors now have the opportunity to simultaneously drive for various carriers; define when and how long they will drive, and further control how much profit is to be generated. Benefits to certificate holders include having another way to generate profit, potentially limiting liability for driver transgressions, and limiting certificate holder obligations to provide benefits. Leasing provides certificate holders yet another way to compete for drivers in the industry.

Long term effects of leasing remains unknown. This will depend on how many drivers and carriers decide to participate and to what extent they participate. As discussed above, both parties must consider many variables in order to determine whether leasing benefits them or whether this type of business relationship is viable within Clark County.

The proposed regulation will benefit the riding public in Clark County because of the increased number of taxis available to people desiring to get their destinations. Taxi availability will no longer be limited by a certificate holder's decision on the number of drivers to deploy during the day and night. Instead, drivers of leased taxicabs may supplement and provide needed rides to the public.

3. The Taxicab Authority determined the proposed regulations' impact on small businesses by asking for and accepting both verbal and written comments from the public, the industry, and affected businesses since November 24, 2015 by providing notice pursuant to Open Meeting Laws that specifically sought business and public input, and by requesting comments during its workshops on December 18, 2016, May 16, 2016, and September 22, 2016. It also sought both written and verbal comments about small business impact before, during, and after its initial adoption hearing before the Taxicab Authority Board on July 21, 2016. The Taxicab Authority will hold its next adoption hearing before the Taxicab Authority Board on October 27, 2016, and will continue to accept statements about small business impact before, during, and after this meeting.
4. The Taxicab Authority anticipates incurring minimal cost, if any, to enforce lease regulations in Clark County. Taxicab Authority Investigators already have the required knowledge, training, and means to conduct enforcement. No additional training or equipment is needed.

Leasing regulations mainly change the employment relationship between taxicab owners and drivers but do not affect the manner in which Investigators enforce.

5. The Taxicab Authority is not aware of any overlap or duplication of the proposed regulations with any regulations of other state, local, or federal governmental agencies.
6. The proposed regulations are not required pursuant to federal law.
7. The proposed regulations are not more stringent than any federal regulation that regulates the same activity.
8. The proposed lease regulations do not establish a new fee nor increases a current fee.

Persons interested in commenting on the proposed lease regulations may appear at the scheduled Taxicab Authority Board meeting on October 27, 2016 or submit their written comments, data, views or arguments to the Nevada Taxicab Authority, Attn: Janette Speer, Nevada Taxicab Authority, 2090 East Flamingo Road, 200, Las Vegas, NV 89119, (702) 688-4029, [jrspeer@taxi.state.nv.us](mailto:jrspeer@taxi.state.nv.us). Written submissions must be received by the Taxicab Authority no later than **5:00 p.m., on October 24, 2016**. If no person who is directly affected by the proposed revisions appears to request time to make an oral presentation, the Taxicab Authority Board may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the Nevada State Library, 100 North Stewart Street, Carson City, Nevada 89701 for inspection by members of the public during normal business hours. Additional copies of the notice and regulation to be adopted will be available at the Taxicab Authority Office located at 2090 East Flamingo Road, 200, Las Vegas, NV 89119, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at [www.leg.state.nv.us](http://www.leg.state.nv.us). This notice and the text of the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Pursuant to NRS 233B.0654(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reasons for overruling the consideration urged against its adoption.

This notice of hearing has been sent to all persons on the Taxicab Authority's mailing list for administrative regulations, and posted at the following locations,

*Nevada State Library & Archives, 100 North Stewart Street, Carson City, NV 89701*  
*Carson City Library, 900 North Roop Street, Carson City NV 89701*  
*Churchill County Library, 553 South Main Street, Fallon, NV 89406*  
*Clark County District Library, 833 Las Vegas Boulevard North, Las Vegas, NV 89101*

*Douglas County Library, 1625 Library Lane, Minden, NV 89423*  
*Elko County Library, 720 Court Street, Elko, NV 89801*  
*Esmeralda County Library, Corner of Crook & 4th Streets, PO Box 430, Goldfield, NV 89013*  
*Eureka Branch Library, 80 South Monroe Street, Eureka, NV 89316*  
*Humboldt County Library, 85 East 5th Street, Winnemucca, NV 89445*  
*Lander County Library, 625 South Broad Street, Battle Mountain, NV 89820*  
*Lincoln County Library, 63 Main Street, Pioche, NV 89043*  
*Lyon County Library, 20 Nevin Way, Yerington, NV 89447*  
*Mineral County Public Library, 110 1st Street, Hawthorne, NV 89415*  
*Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419*  
*Storey County Courthouse, 26 South B Street, Virginia City, NV 89440*  
*Tonopah Public Library, 167 Central Street, Tonopah, NV 89049*  
*Washoe County Library, 301 South Center Street, Reno, NV 89501*  
*White Pine County Library, 950 Campton Street, Ely, NV 89301*  
*State of Nevada Taxicab Authority 2090 E. Flamingo Road, Suite 200 Las Vegas, Nevada 89119*  
*Clark County School District 2832 E. Flamingo Road Las Vegas, Nevada 89121*  
*Las Vegas City Hall 495 S. Main Street Las Vegas, Nevada 89101*  
*Clark County Commissioners 500 S. Grand Central Parkway Las Vegas, Nevada 89101*  
*Grant Sawyer Building 555 E. Washington Avenue Las Vegas, Nevada 89101*  
*Nevada Taxicab Authority Website [www.taxi.state.nv.us](http://www.taxi.state.nv.us)*  
*State of Nevada Website <https://notice.nv.gov>*  
*Nevada State Legislature Website: [www.leg.state.nv.us](http://www.leg.state.nv.us)*

## PUBLIC BOARD MEETING NOTICE AND AGENDA

**Date and Time of Meeting:** **Thursday, October 27, 2016**  
**9:00 a.m.**

**Place of Meeting:** **Taxicab Authority Hearing Room**  
**2080 E. Flamingo Road, Suite 114**  
**Las Vegas, Nevada 89119**

***This meeting has been properly noticed and posted at the following locations:***

*Nevada State Library & Archives, 100 North Stewart Street, Carson City, NV 89701*  
*Carson City Library, 900 North Rook Street, Carson City NV 89701*  
*Churchill County Library, 553 South Main Street, Fallon, NV 89406*  
*Clark County District Library, 833 Las Vegas Boulevard North, Las Vegas, NV 89101*  
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*89119*  
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*Nevada Taxicab Authority Website [www.taxi.state.nv.us](http://www.taxi.state.nv.us)*  
*State of Nevada Website <https://notice.nv.gov>*  
*Nevada State Legislature website <http://www.leg.state.nv.us/>*

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The State of Nevada Taxicab Authority is pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the State of Nevada Taxicab Authority, in writing, at 2090 E. Flamingo Road, Suite 200, Las Vegas, Nevada 89119 or by calling (702) 668-4000 at least 24 hours prior to the date of the meeting.

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Members of the public may request the supporting material for this meeting from *Amy McMahon, Nevada Taxicab Authority, 2090 E. Flamingo Road, Suite 200, Las Vegas, Nevada 89119, (702) 668-4083, email: amcmahon@taxi.state.nv.us.*

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In accordance with Nevada's Open Meeting Law, the Authority may consider agenda items taken out of order. The Authority may combine two or more agenda items for consideration. The Authority may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Authority may continue the meeting as deemed necessary. The Authority, at its discretion, may take public comment during times other than the designated Public Comment agenda items. The Authority reserves the right to limit public comment to three minutes. Comment may not be restricted based on viewpoint. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the board may refuse to consider public comment. See NRS 233B.126.

Persons wishing to intervene must file the appropriate pleading in accordance with the procedures of N.A.C. 706.894, and serve their petitions to intervene on all appropriate persons, pursuant to N.A.C. 706.921, no later than **Wednesday, October 12, 2016 at 3:00 P.M.** Pursuant to NRS 241.030(1), The State of Nevada Taxicab Authority may conduct a closed meeting to consider the character, allegations of misconduct, professional competence, or physical and mental health of a person.

ALL CELLULAR TELEPHONES AND PAGERS ARE TO BE TURNED OFF OR SET TO SILENT NOTIFICATION MODE DURING THE PROCEEDINGS.

### **AGENDA**

- 1. Call to Order.**
- 2. Pledge of Allegiance to the Flag.**
- 3. Compliance with Open Meeting Law.**
- 4. Public Comment** - Members of the public are invited to comment on items on the meeting agenda or on items not contained therein. No action may be taken upon a matter raised during Public Comment until the matter itself has been specifically included on an agenda as an item for possible action. Because of time considerations, speakers are urged to avoid repetition of comments made by previous speakers.
- 5. Approval of the September 22, 2016 Board Meeting Minutes - *FOR POSSIBLE ACTION***
- 6. Discussion with Maria Soto, Traffic Manager for LVCVA, Regarding Recent Taxicab Service.**

- 7. Discussion with Freddie Kirtley, Assistant Director, Landside Operations, McCarran International Airport, Regarding Recent Taxicab Service.**
- 8. Discussion with Jeff White, Security Manager, Sands Expo, Regarding Recent Taxicab Service.**
- 9. Lease Regulations, LCB File No. R003-16** – The purpose of the rulemaking adoption hearing is to receive comments from all interested persons regarding the adoption of certain regulations to Chapter 706 of Nevada Administrative Code for the purposes of implementing Senate Bill No. 376, chapter 447, Statutes of Nevada 2015, at page 2595. The proposal has been designated as File No. R003-16 by the Nevada Legislative Counsel Bureau. Please see the Notice of Intent to Act Upon a Regulation and Notice of Hearing for the Adoption of Regulations (attached and incorporated herein by reference) for further details regarding this item. – ***FOR POSSIBLE ACTION***
- 10. Lease Regulations, LCB File No. R003-16** – Discussion and potential adoption of certain regulations as more fully described in Agenda Item 9 listed above and the Notice of Intent to Act Upon a Regulation and Notice of Hearing for the Adoption of Regulations (attached and incorporated herein by reference). – ***FOR POSSIBLE ACTION***
- 11. Discussion and Possible Decision Regarding Annual Review of Rates** - Pursuant to NRS 706.8824(6) – The Taxicab Authority shall review annually: (a) The existing allocation of taxicabs; and (b) The rates, charges or fares of the certificate holders in its jurisdiction.
- 12. Discussion and Possible Decision Regarding Annual Review of Medallions** - Pursuant to NRS 706.8824(6) – The Taxicab Authority shall review annually: (a) The existing allocation of taxicabs; and (b) The rates, charges or fares of the certificate holders in its jurisdiction.
- 13. Discussion and Possible Decision Regarding Annual Review of Fees** – Pursuant to NRS 706.8824(6) – The Taxicab Authority shall review annually: (a) The existing allocation of taxicabs; and (b) The rates, charges or fares of the certificate holders in its jurisdiction.
- 14. Staff Report**
  - a. Administrator’s Report
  - b. Chief Investigator’s Report
  - c. Stats for September 2016
  - d. Future Agenda Items
- 15. Report of Legal Counsel**

**16. Public Comment** – Members of the public are invited to comment on items on the meeting agenda or on items not contained therein. No action may be taken upon a matter raised during Public Comment until the matter itself has been specifically included on an agenda as an item for possible action. Because of time considerations, speakers are urged to avoid repetition of comments made by previous speakers.

**17. Adjournment (Action)**

By the Authority,

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/s/  
Ronald Grogan, Administrator  
Nevada Taxicab Authority

Dated: September 22, 2016  
Las Vegas, Nevada

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/s/  
Stan Olsen, Chairman  
Nevada Taxicab Authority Board

Dated: September 22, 2016  
Las Vegas, Nevada



## AMENDED FINAL SMALL BUSINESS IMPACT STATEMENT

The Taxicab Authority established that its proposed regulations creating procedures for taxicab leasing pursuant to Senate Bill 376 of the 78<sup>th</sup> (2015) Nevada Legislative Session do not create a negative economic impact on small businesses. Arriving at its conclusion, the Taxicab Authority posted notice to specific locations consistent with open meeting laws; emailed and/or mailed notice to local persons, companies, and businesses; and asked attendees several times at both workshops to address any impact on small businesses. No comments have been received.

On November 24, 2015, the Taxicab Authority asked the public, the industry, and affected businesses for comments addressing whether the lease regulations would negatively impact small businesses. The Taxicab Authority noticed parties on the Taxicab Authority's mailing list for administrative regulations and posted at locations consistent with Nevada statute. It asked parties to submit written comments by December 2, 2015. The Taxicab Authority received no written responses or concerns as of the deadline date.

During its workshops on December 18, 2015, May 16, 2016, and September 22, 2016, the Taxicab Authority asked attendees several times to address any negative impact created by the lease regulations on small businesses. Attendees offered no comments. The Taxicab Authority announced that it would continue to accept both verbal and written comments about negative business impact throughout the regulation adoption process. It has not received any comments to date.

During the July 21, 2016 initial adoption hearing before the board, the Taxicab Authority afforded the industry, businesses, and the public yet another opportunity before, during, and after this meeting to provide verbal or written comments identifying negative business impact. No comments were received.

Finally, the public and businesses will have additional time to submit verbal or written comments addressing negative business impact prior to, during, and after the adoption hearing before the Taxicab Authority Board scheduled for October 27, 2016. Any comments received during this October 2016 board meeting will be addressed by the Taxicab Authority.

Having received no comments from the public and businesses to date establishes that lease regulations do not create a significant economic burden on small businesses.

I certify that, to the best of my knowledge and belief, the information contained in this statement is prepared properly and is accurate.

By the Authority,

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/s/  
Ronald Grogan, Administrator  
Nevada Taxicab Authority  
Las Vegas, Nevada

Dated: September 16, 2016