

**PROPOSED REGULATION OF THE
NEVADA TRANSPORTATION AUTHORITY**

LCB FILE NO. R091-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 05/03/2018**

DEFINITIONS

NAC 706.X1 “Contested case” defined. (NRS 706.171) Except as otherwise provided in NAC 706.X3(3), “contested case” has the meaning ascribed to it in NRS 233B.032.

NAC 706.0655 “Hearing” defined. (NRS 706.171) “Hearing” means any public proceeding for which notice is provided by the Authority in accordance with applicable statutes and regulations *and includes an opportunity for all parties to present any written or oral testimony that the Authority considers relevant and material to the issues.*

(Added to NAC by Transportation Serv. Auth. by R071-98, eff. 10-28-98)

NAC 706.X2 “Intervener” defined. (NRS 706.171) “Intervener” means a person granted leave to intervene by the Presiding Officer or Authority pursuant to NAC 706. 3966 to 706.3969, inclusive.

NAC 706.096 “Party of record” defined. (NRS 706.171) “Party of record” means an applicant, complainant, petitioner, respondent, *Staff of the Authority* or intervener whose petition for leave to intervene has been granted, in whole or in part, by the *Presiding Officer or Authority.*

(Added to NAC by Transportation Serv. Auth. by R071-98, eff. 10-28-98)

NAC 706.1335 Receipt of written communications and documents. (NRS 706.171) A written communication or document is considered officially received by the Authority only if it is:

1. Filed at the office of the Authority in Las Vegas *or Reno* and addressed to the Deputy Commissioner; or
2. Presented to the Authority during a hearing.

(Added to NAC by Transportation Serv. Auth. by R071-98, eff. 10-28-98)

NAC 706.XXXX “Residential Complex” defined. (NRS 706.171) “Residential Complex” means a group of apartments, condominiums or townhomes intended for use as residential units and for which a common parking area is provided, regardless of whether each resident or unit has been assigned a specific parking space in the common parking area.

NAC 706.13775 Prohibition against driving certain motor carriers without driver’s permit; withdrawal of vehicle from service. (NRS 706.171, 706.462)

1. A person shall not drive a charter bus for the purposes of charter bus transportation, a motor vehicle for a fully regulated carrier of passengers or a taxicab motor carrier as an employee, independent contractor or lessee unless the person has in his or her possession a valid driver’s permit issued to the person by the Authority pursuant to NRS 706.462.

2. If the Authority determines that a charter bus operated for the purposes of charter bus transportation, a motor vehicle operated for a fully regulated carrier of

passengers or a taxicab motor carrier is being driven by a person who does not possess a valid driver's permit, the Authority may cause the vehicle to be withdrawn from service until such time as a person who possesses a valid driver's permit is available to drive the vehicle.

3 A fully regulated carrier, a charter bus operator, or a taxicab motor carrier shall not allow a driver to drive a certificated vehicle unless the driver has obtained either a temporary or permanent driver's permit pursuant to NRS 706.462.

(Added to NAC by Nev. Transportation Auth. by R060-13, 12-23-2013, eff. 1-1-2014)

Practice Before NTA

NAC 706.X3 Restrictions on certain communications with Commissioners while contested case is pending. (NRS 706.171)

1. In any contested case pending before the Authority, a party or protestant or an authorized representative or attorney of a party or protestant shall not communicate, directly or indirectly, with a Commissioner regarding any substantive issues of fact or law that relate to the contested case, unless the communication:

(a) Is part of a pleading filed and served in accordance with the provisions of this chapter;
~~or~~

(b) Occurs during a formal hearing before the Commissioner.

2. The provisions of this section apply from the date on which the pleading or other document that commences the contested case is filed with until 15 calendar days after the date on which the Authority issues a final order in the contested case or, if a petition for reconsideration is filed, until the date on which the Authority issues the order on reconsideration.

3. As used in this section, "contested case" means every proceeding pending before the Authority except:

(a) A rule-making proceeding conducted pursuant to NRS 233B.0395 to 233B.115, whether the proceeding is commenced pursuant to NAC 706.3958 or otherwise;

(b) A proceeding involving a petition for a declaratory order or an advisory opinion pursuant to NRS 233B.120 and NAC 706.4007; or

(c) Any proceeding in which the Authority is not required by law to conduct a hearing before determining any issue of fact or law, or both.

NAC 706.3936 Parties: Classification of parties. (NRS 233B.050, 706.171)

1. According to the nature of the proceedings before the Authority and the relationships of the parties to the proceedings, a party *of record* to a proceeding must be styled an applicant, petitioner, complainant, respondent, *or* intervener; ~~or protestant.~~

2. A person applying in the first instance for a privilege, right or authorization from the Authority must be styled an "applicant."

3. A person who complains to the Authority of an act by a person subject to the jurisdiction of the Authority must be styled a "complainant."

4. A person granted leave to intervene pursuant to [NAC 706.3965](#) to [706.3969](#), inclusive, must be styled an “intervener.”

5. A person, other than a complainant or an applicant, petitioning for affirmative relief must be styled a “petitioner.”

~~6. Any person, including, without limitation, a state or local governmental entity, who objects to an application, petition or other matter and who files a protest pursuant to [NAC 706.397](#) or makes a statement at a hearing must be styled a “protestant.” The filing of a protest does not make the protestant a party of record.~~

—7. A person against whom a complaint is filed or a person who is the subject of an official investigation by the Authority must be styled a “respondent.”

(Added to NAC by Transportation Serv. Auth. by R071-98, eff. 10-28-98)

NAC 706.X4_Protestant. (NRS 233B.050, 706.171)

- 1. Any person, including, without limitation, a state or local governmental entity, who objects to an application, petition or other matter and who files a protest pursuant to [NAC 706.397](#) or makes a statement at a hearing must be styled a “protestant.” The filing of a protest does not make the protestant a party of record.*
- 2. Even if a hearing on a written protest is not required by law, the Authority or the assigned hearing officer will notify the parties of record and may hold such a hearing if the public interest will be served.*
- 3. A protestant who desires to participate as a party of record in a proceeding must file a written petition for leave to intervene unless the presiding officer upon good cause shown allows an oral petition for leave to intervene. A protestant is entitled to participate as a party of record only to the extent that leave to intervene is granted.*

NAC 706.3939 Parties: Rights of parties. ([NRS 233B.050](#), [706.171](#))

1. At any proceeding before the Authority, each party of record is entitled to enter an appearance, introduce *relevant* evidence, examine and cross-examine witnesses, make arguments, make and argue motions and generally participate in the proceeding to the extent allowed by the presiding officer.

~~2.—The presiding officer shall acknowledge a protestant for the purpose of making a statement.~~

(Added to NAC by Transportation Serv. Auth. by R071-98, eff. 10-28-98)

NAC 706.396 Pleadings: Responses to motions; replies to responses. ([NRS 233B.050](#), [706.171](#))

1. Any party of record against whom a motion is directed may file a response to the motion. A response must be in writing unless made during a hearing. If made during a hearing, a response may be written or oral.

2. A written response must be:

(a) Served upon each party of record.

(b) Filed with the Authority not later than 7 *business* days after receipt of service of the motion, unless otherwise directed by the presiding officer.

3. *A party of record who:*

- (a) *Directs a motion against another party of record; and*
- (b) *Receives a response to that motion pursuant to subsection 1,*

□ *may file a reply to the response. A reply filed pursuant to this subsection must be in writing unless made during a hearing. If made during a hearing, a reply may be written or oral. If a party to whom this subsection applies decides not to file a reply to the response, that party shall notify the Authority of the decision so that the Authority or presiding officer may decide the motion on the basis of the pleadings and other documentation which have already been filed.*

4. *A reply that is required to be in writing pursuant to subsection 3 must be:*

(a) *Served upon each party of record.*

(b) *Except as otherwise provided in subsection 6 or otherwise directed by the presiding officer, filed with the Authority no later than 5 business days after receipt of service of the response.*

5. *If a party of record files a reply to a response pursuant to subsection 3, the Authority will or the presiding officer shall consider only those portions of the reply that address directly matters set forth in the response.*

6. *Unless otherwise directed by the presiding officer, if a motion is filed within 14 days before the date on which the hearing is scheduled to commence, responses to the motion must be filed with the Authority no later than 3 business days after the date of receipt of service of the motion and replies to the responses must be filed with the Authority no later than 2 business days after the receipt of service of the response.*

(Added to NAC by Transportation Serv. Auth. by R071-98, eff. 10-28-98)

NAC 706.3962 Pleadings: Filing of pleading. ([NRS 233B.050](#), [706.171](#)) Except as otherwise provided in this section, the original of all pleadings and such additional legible copies as requested by the staff of the Authority must be filed at the office of the Authority in Las Vegas *or Reno*. The staff of the Authority may not request more than nine additional copies of pleadings. If a written protest is made, only the original is required to be filed. The presiding officer may require the parties to file additional copies if needed.

(Added to NAC by Transportation Serv. Auth. by R071-98, eff. 10-28-98; A by Nev. Transportation Auth. by R113-10, 12-16-2010)

NAC 706. ____ Response to petition; reply to response. ([NRS 706.171](#))

1. *A person who wishes to respond to a petition for leave to intervene filed pursuant to NAC 706.3965 to 3967 inclusive, may file with the Authority a response to the petition for leave to intervene.*

2. *A response to a petition for leave to intervene must:*

(a) *Be in writing;*

(b) *Specifically support or oppose the petition for leave to intervene for which the response is filed; and*

(c) *Be filed with the Authority and served on each party of record and all persons who filed a petition for leave to intervene in the applicable proceeding not later than 5 business days after the deadline for filing a petition for leave to intervene established by the Authority or the date of the filing of the petition for leave to intervene for which the response is filed, whichever is later.*

3. *A person who has filed a petition for leave to intervene and who receives a response to the petition for leave to intervene may file a reply to the response. The reply must be:*

(a) In writing; and

(b) Filed with the Authority and served on each party of record, the person who filed the response and all persons who filed a petition for leave to intervene in the applicable proceeding not later than 5 business days after the date on which the response was filed.

NAC 706.397 Pleadings: Protests. ([NRS 233B.050](#), [706.171](#))

1. Any objection by a person, who is not a party of record, to an application, petition or other matter must be styled a “protest.”

2. A written protest must legibly set forth a clear statement of the matter to which an objection is made.

3. The Authority will make available a copy of a written protest to the parties against whom it is directed.

4. Even if a hearing on a written protest is not required by law, the Authority will notify the parties of record and *may* hold such a hearing if the public interest will be served.

5. A protest at a hearing may be oral or written.

~~6. At a hearing, the presiding officer shall allow any protestant to enter an appearance in the proceeding. A protestant who desires to participate as a party of record in a proceeding must file a written petition for leave to intervene unless the presiding officer upon good cause shown allows an oral petition for leave to intervene. A protestant is entitled to participate as a party of record only to the extent that leave to intervene is granted.~~

(Added to NAC by Transportation Serv. Auth. by R071-98, eff. 10-28-98)

NAC 706.3985 Hearings: Testimony under oath. ([NRS 233B.050](#), [706.171](#))

1. All testimony to be considered by the Authority in a formal hearing must be sworn testimony except for matters of which official notice is taken or matters entered by stipulation.

2. Before testifying, each witness shall declare, under oath or affirmation, that the testimony he or she is to give at the hearing will be the truth, the whole truth and nothing but the truth.

3. *At the hearing, each party may cross-examine an opposing witness in accordance with NRS 233B.123. After cross-examination of the witness, redirect examination of the witness is limited to matters raised during cross-examination. After redirect examination of the witness, recross-examination of the witness is limited to matters raised during redirect examination.*

4. *If the presiding officer determines that a witness lacks specific experience, expertise or direct knowledge to testify on the subject on which the witness is testifying, the presiding officer may strike the testimony of the witness and dismiss the witness from testifying in the proceeding.*

(Added to NAC by Transportation Serv. Auth. by R071-98, eff. 10-28-98)

NAC 706.3987 Hearings: Order of proceeding. ([NRS 233B.050](#), [706.171](#))

1. Applicants, petitioners or complainants may present their evidence first at a hearing. Then any parties of record opposing the application, petition or complaint may present their evidence. The presiding officer shall designate the stage of the proceeding at which each intervener, protestant or member of the staff of the Authority may be heard. Evidence must be received in the following order unless the presiding officer determines that a special circumstance requires a different order:

- (a) Upon an application or petition:
 - (1) Applicant or petitioner;
 - (2) Interveners;
 - (3) Staff of the Authority; and
 - (4) Rebuttal by the applicant or petitioner.
- (b) Upon a complaint:
 - (1) Complainant;
 - (2) Respondent;
 - (3) Interveners;
 - (4) Staff of the Authority; and
 - (5) Rebuttal by complainant.
- (c) Upon a complaint by the Authority or an order to show cause:
 - (1) Staff of the Authority;
 - (2) Respondent;
 - (3) Interveners; and
 - (4) Rebuttal by staff of the Authority.

2. A witness may be cross-examined on issues testified to by that witness by:

- (a) Opposing parties who have been granted leave to intervene pursuant to [NAC 706.3968](#);
- (b) The Authority;
- (c) The Attorney General; and
- (d) The staff of the Authority.

3. If there is more than one applicant, petitioner or complainant, the witnesses of all applicants, petitioners or complainants may present direct testimony on an issue before any of these witnesses may be cross-examined on that issue, unless otherwise ordered by the presiding officer.

4. If two or more matters are set for hearing at the same time and place, the matter having the lowest docket number will be heard first, unless the presiding officer directs a different order for the convenience of the parties.

5. At a hearing, the presiding officer shall allow any protestant to enter an appearance and make a statement in the proceeding.

(Added to NAC by Transportation Serv. Auth. by R071-98, eff. 10-28-98; A by Nev. Transportation Auth. by R113-10, 12-16-2010)

NAC 706.XXX Hearings: Admissibility of evidence: Relevancy. (NRS 706.171)

1. All evidence offered in a proceeding, including, without limitation, the testimony of a witness, must be relevant.

2. For the purposes of this section, evidence is “relevant” only if the evidence:

- (a) Has any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence; and***
- (b) Is directly related to the subject matter of the proceeding.***

NAC 706.3991 Hearings: Prepared testimony. (NRS 233B.050, 706.171)

1. At the discretion of the presiding officer, a party to a proceeding shall submit a copy of prepared testimony and accompanying exhibits to be presented at a hearing to the Authority and to each party of record.

~~2. An application filed for an adjustment in rates must be accompanied by the prepared testimony of the applicant at the time of filing. If the presiding officer so orders, additional copies of the prepared testimony of the applicant must be provided.~~

3. After delivery of the prepared testimony to the Authority, amendments to the prepared testimony may be made upon approval of the Authority or presiding officer.

4. Unless otherwise directed by the presiding officer, prepared testimony must be supported by a signed affirmation by the witness and submitted to the Authority as an exhibit. If circumstances so require, prepared testimony may be read into the record by the witness upon direct examination. The admissibility of prepared testimony will be determined pursuant to [NAC 706.010](#) to [706.4019](#), inclusive, which govern oral testimony.

(Added to NAC by Transportation Serv. Auth. by R071-98, eff. 10-28-98; A by R040-02, 9-20-2002)

NAC 706 XXXX. Hearings: Rebuttal evidence. (NRS 706.171)

1. If a party is entitled to rebuttal, the party may offer in its rebuttal only rebuttal evidence that directly explains, repels, counteracts or disproves facts offered in evidence by other parties of record who oppose the application, petition or complaint. The party may not offer any other evidence in its rebuttal.

2. Upon its own motion, or upon the written motion of the Authority's staff or any other party of record, the Authority will or the presiding officer shall strike any evidence offered by a party in its rebuttal that does not comport with the requirements of this section.

NAC 706.3995 Hearings: Rulings by presiding officer. (NRS 233B.050, 706.171)

1. All rulings made by the presiding officer regarding the *denial or granting of an intervention or the* admissibility of evidence are subject to review by the Authority. Any pending petition or motion that involves a final determination of the proceeding must be referred to the Authority for determination.

2. In extraordinary circumstances, when a prompt decision by the Authority is necessary to promote substantial justice, the presiding officer shall refer the matter to the Authority for determination and may recess the hearing pending the determination.

(Added to NAC by Transportation Serv. Auth. by R071-98, eff. 10-28-98)

NAC 706. Hearings: Receipt of evidence into record. (NRS 706.171) At the conclusion of the hearing, all evidence will be received into the record, subject to the ruling of the presiding officer on evidence to which timely objection has been made.

NAC 706.4001 Hearings: Oral arguments. (NRS 233B.050, 706.171) *The Presiding Officer* Authority may, following the filing of briefs or upon contested motions, set the matter for oral argument upon *not less than 5* days' notice to each party of record, ~~unless the Authority considers a shorter time advisable.~~

(Added to NAC by Transportation Serv. Auth. by R071-98, eff. 10-28-98)

NAC 706.XXXX Lost and Replacement Permits (NRS 706.171, 706.462)

The Authority may charge a fee of \$10 to reissue a driver’s permit that has been lost.

NAC 706.1385 Form and format for tariffs and supplements. (NRS 706.171, 706.321)

2. The format must be as follows:

(g) Except as otherwise provided in NAC 706.3983, ~~six~~ *one original and two* copies of regulations or rates, or both, must be filed with the Authority at least 30 days before becoming effective.

NAC 706.1386 Transmittal letter. (NRS 706.171, 706.321)

1. Each tariff filing must be accompanied by ~~six~~ *one original and two* copies of a transmittal letter and the appropriate filing fee. To acknowledge receipt of the filing, a copy of the transmittal letter will be dated and returned by the Authority to the applicant.

NAC 706.149 Equity capital: Minimum requirement; proof; failure to comply. (NRS 706.171)

1. After receiving a certificate or permit, every fully regulated carrier shall maintain an investment of not less than 20 percent equity capital in his or her operations and include proof that the fully regulated carrier meets this requirement in his or her annual report filed with the Authority. *If the Authority rejects the annual report filed for any reason, the report will be deemed to have not been filed.*

NAC 706.3555 Carrier authorized to provide charter service by limousine: Fuel surcharge. (NRS 706.171, 706.321)

1. In addition to the rates and fares included in the tariff on file with the Authority, a carrier authorized to provide charter service by limousine may charge and collect from the carrier’s passengers a fuel surcharge in an amount determined pursuant to this section.

2. A carrier authorized to provide charter service by limousine who charges and collects a fuel surcharge shall compute the amount of the fuel surcharge on an hourly basis in accordance with the following table:

Fuel Price:	Surcharge per Hour:
\$2.25-2.74	\$2.00

Fuel Price:	Surcharge per Hour:
\$2.75-3.24	\$3.00
\$3.25-3.74	\$4.00
\$3.75-4.24	\$5.00
\$4.25-4.74	\$6.00
\$4.75-5.24	\$7.00
\$5.25-5.74	\$8.00
\$5.75-6.24	\$9.00
\$6.25-6.74	\$10.00

3. The minimum surcharge pursuant to subsection 2 is an amount equal to the appropriate surcharge for 1 hour as determined from the table set forth in subsection 2. Periods of more than 1 hour may be charged in increments of one-half hour.

4. For the purposes of the table set forth in subsection 2, the fuel price must be determined in the following manner:

(a) For a limousine which does not use diesel fuel, the fuel price is an amount equal to the retail price per gallon of regular fuel effective for the 25th calendar day of the immediately preceding month according to the United States Department of Energy, Energy Information Administration survey on Weekly Retail Gasoline and Diesel Prices, Regular Grade - West Coast (PADD 5).

(b) For a limousine which uses diesel fuel, the fuel price is an amount equal to the retail price per gallon of diesel effective for the 25th calendar day of the immediately preceding month according to the United States Department of Energy, Energy Information Administration survey on Weekly Retail Gasoline and Diesel Prices, Diesel, All Types - West Coast (PADD 5).

(c) For a limousine which uses propane fuel, the fuel price is an amount equal to the retail price per gallon of propane effective for the 25th calendar day of the immediately preceding month according to the United States Department of Energy, Energy Information Administration survey on Weekly Retail Gasoline and Diesel Prices, Diesel, All Types – Rocky Mountain (PADD4).

5. The fuel prices described in paragraphs (a) and (b) of subsection 4 may be obtained by calling the United States Department of Energy, Energy Information Administration at (202) 586-8800 or on the Internet website of the United States Department of Energy, Energy Information Administration at **www.eia.doe.gov**.

6. A carrier authorized to provide charter service by limousine who intends to charge and collect a fuel surcharge pursuant to this section shall include in its tariff on file with the Authority the table and rules set forth in this section.

(Added to NAC by Nev. Transportation Auth. by R111-10, eff. 12-16-2010; A by R061-13, 1-16-2015)

NAC 706.3758 Taximeters: Inspection and seal; enforcement. (NRS 706.171)

1. A certificate holder shall not place a taxicab into passenger service at any time unless the taximeter has been inspected and sealed by the Authority, *or is equipped with a taximeter approved by the Authority for use without having been sealed.*

2. If a certificate holder removes a seal affixed by the Authority, the certificate holder shall return the broken seal to the Authority.

3. Any taxicab found by the Authority to have:

(a) A defective or inaccurate taximeter;

(b) A taximeter that shows signs of having been tampered with; or

(c) A taximeter with the seal removed *if said taximeter is required to be sealed,*

□ must be placed out of service and may not be put back into service until inspected and approved by the Authority.

(Added to NAC by Transportation Serv. Auth. by R040-02, eff. 9-20-2002)

NAC 706.376 Drivers: Standards of conduct. (NRS 706.171, 706.173, 706.475) During his or her shift, a driver of a taxicab:

1. Shall not engage in verbal arguments or acts of physical violence.

2. Shall refrain from backing into position in any taxicab stand.

3. Shall refrain from loading passengers at any establishment where a taxicab stand has been established unless the driver has been through the rotation of the stand. This provision does not apply when there are no taxicabs on the stand.

4. Shall not allow more than two passengers in the front seat of the driver's taxicab and shall not allow more than five passengers in his or her taxicab at any one time.

5. Shall not knowingly operate a taxicab equipped with a faulty or inaccurate taximeter or a taximeter that shows signs of having been tampered with.

6. Shall not operate a taxicab in which the taximeter is not sufficiently illuminated or the face of the taximeter is obscured to the extent that the entire fare recording device cannot be easily seen by the passenger.

7. Shall not operate a taxicab in which the taximeter does not have a properly attached seal as affixed by the Authority *unless otherwise approved by the Authority.*

8. Shall not operate a taxicab that does not have properly affixed a valid "TX" plate as issued by the Authority.

9. Shall not operate a taxicab if the driver is suffering from any illness or physical or mental disorder that may impair his or her ability to operate a taxicab safely.

10. Shall not operate a taxicab while taking under the influence of any drugs, including but not limited to alcohol and marijuana, that may impair his or her ability to operate a taxicab safely.

11. Shall keep in his or her possession a complete and accurate trip sheet as prescribed in NAC 706.3747.

12. Shall not display or distribute any advertising within or on the driver's taxicab that has not been authorized by his or her employer.

13. Shall not operate a taxicab without having in his or her possession a certificate from a licensed physician which is valid pursuant to the provisions of NAC 706.3751 and which demonstrates that the driver is physically qualified to operate a commercial motor vehicle in accordance with 49 C.F.R. § 391.43, as adopted by reference in NAC 706.247.

(Added to NAC by Transportation Serv. Auth. by R040-02, eff. 9-20-2002; A by Nev. Transportation Auth. by R111-10, 12-16-2010)

NAC 706.3973 Oral or informal written complaints: Disposition. (NRS 233B.050, 706.171, 706.286)

1. The staff of the Authority shall attempt to resolve any ~~oral or~~ informal written complaint made by a customer against a motor carrier or broker.

2. The staff of the Authority may ~~request that the customer provide a written confirmation of an oral complaint~~ *require the informal complaint be in writing and signed by the complainant.*

3. The staff of the Authority shall, within 20 days after receiving an informal written complaint, send a copy of the complaint to the motor carrier or broker against which the complaint is made. The staff may require the motor carrier or broker to file a response to the informal written complaint with the staff pursuant to NAC 706.3975.

4. The staff of the Authority shall examine an oral or informal written complaint, any response and any other information obtained by the staff that is necessary for the resolution of the complaint.

5. After completing an investigation of the matter set forth in an oral or informal written complaint, the staff of the Authority shall:

(a) Notify the parties to the complaint of the results of the investigation; and

(b) Recommend any action that the parties should take to resolve the complaint.

6. The staff of the Authority shall inform a customer of his or her right to file a formal complaint if the customer is not satisfied with the resolution of his or her oral or informal written complaint pursuant to this section.

(Added to NAC by Transportation Serv. Auth. by R071-98, eff. 10-28-98; A by R040-02, 9-20-2002)

NAC 706.4275 Authority to tow vehicles from private property: Specific request for towing. (NRS 706.171, 706.4477, **SB 320 (2017)**)

1. If the owner of real property or an authorized agent of the owner makes a specific request pursuant to subsection 1 of NRS 706.4477 for the towing of a vehicle from the real property *which is not a "residential complex" as defined in NAC 706.XXXX*, the specific request must:

(a) Be in writing *or in an electronic format approved by the Authority;*

(b) Be signed *or authorized electronically in a format approved by the Authority*, within 24 hours before the removal of the vehicle, by the owner of the real property or the authorized agent; and

(c) Include, without limitation:

(1) The name, address and telephone number of the residence or business where the vehicle to be towed is located;

(2) The type of ownership interest or other relationship of the person making the specific request to the real property from which the vehicle will be towed;

(3) The make, model, license plate number and, if possible, vehicle identification number of the vehicle to be towed from the property;

(4) The reason for the removal of the vehicle from the real property; and

(5) The date and time that the specific request for towing was made.

2. If the operator of a tow car tows a vehicle pursuant to a specific request described in subsection 1, the operator of a tow car shall:

(a) Upon request of the owner of the vehicle or an authorized agent of the owner, provide a photocopy of the specific request for towing; and

(b) Delete from the photocopy of the specific request the information required pursuant to subparagraphs (1) and (2) of paragraph (c) of subsection 1.

3. *When towing from a “residential complex” as defined in NAC 706.XXXX, the tow carrier shall verify that the owner of the real property or authorized agent of the owner:*

(a) issued a specific request to tow the vehicle in question in writing or in an electronic format approved by the Authority;

(b) the specific request to tow is signed or authorized electronically in a format approved by the Authority, within 24 hours before the removal of the vehicle, by the owner of the real property or the authorized agent; and

(c) if the vehicle is being towed pursuant to subsection (4), that the owner of the residential complex or the authorized agent notified the owner of the vehicle that said vehicle is subject to towing not less than 48 hours before the tow by affixing to the vehicle a sticker which provides the date and time after which the vehicle will be towed.

4. *When towing from a “residential complex” as defined in NAC 706.XXXX, the tow carrier may tow a vehicle if the owner or the authorized agent of the “residential complex” verifies:*

(a) that the vehicle is parked in violation of:

(1) a state or local law or ordinance governing parking; or

(2) a parking rule promulgated by the owner or manager of the residential complex that applies to vehicles on the property of the residential complex; or

(b) that the vehicle is not registered pursuant to chapter 482 or 706 of NRS or in any other state; or

(c) the registration of the vehicle:

(I) has been expired for not less than 60 days, if the vehicle is owned or operated by a resident of the residential complex or does not meet the requirements of (4)(b); or

(II) is expired, if the owner of the residential complex or the authorized agent verifies that the vehicle is not owned or operated by a resident of the residential complex.

5. *When towing from a “residential complex” as defined in NAC 706.XXXX, the tow carrier may immediately tow a vehicle if the owner or the authorized agent of the “residential complex” verifies that the vehicle:*

(a) is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(b) poses an imminent threat of causing a substantial adverse effect of the health, safety or welfare of the residents of the residential complex; and

(c) issued a specific request to tow the vehicle in question in writing or in an electronic format approved by the Authority and that the specific request to tow is signed or authorized electronically in a format approved by the Authority, within 24 hours before the removal of the vehicle, by the owner of the real property or the authorized agent verify that the vehicle.

6. For purposes of this section, “authorized agent” may include the tenant of a “residential complex” at the discretion of the owner of the “residential complex.”

(Added to NAC by Nev. Transportation Auth. by R075-08, eff. 9-18-2008)

NAC 706.405 Plate for tow car. (NRS 706.171)

1. A plate for a tow car will be issued for each tow car in service.
2. The plate for a tow car must be placed next to the State of Nevada license plate on the tow car.
3. The plate for a tow car must be returned to the Authority if the vehicle has been sold or is out of service for more than 60 days.

4. The Authority may charge a fee of \$10 for a replacement tow plate.

(Added to NAC by Transportation Serv. Auth. by R040-02, eff. 9-20-2002)

NAC 706.XXXX Renewal, Suspension or Revocation of Driver’s Permit (NRS 706.171, NRS 706.462)

- 1. If the Authority becomes aware of circumstances that may violate the conditions outlined in NRS 706.462(3), it shall set the matter for consideration and if a violation of NRS 706.462(3) is found, the Authority may suspend or revoke the driver’s permit issued.*
- 2. Drivers who obtain a permit pursuant to NRS 706.462 are required to notify the Authority of any change in address within 10 days of said change becoming effective during the time in which the permit is valid and effective.*
- 3. Drivers who obtain a permit pursuant to NRS 706.462 shall apply to the Authority for renewal of said permit upon its expiration and follow the same procedure outlined in NRS 706.462 for applying for a new permit.*

NAC 706.2473 Adoption and enforcement of federal regulations for motor carrier safety by Authority. (NRS 706.166, 706.171, 706.173, 706.178)

1. The Authority hereby adopts 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 ~~May 30, 2012~~ the effective date of this regulation, and as subsequently revised by the United States Department of Transportation unless the Chair of the Authority gives notice pursuant to subsection 5 that a revision is not suitable for this state, with the following exceptions:

(a) References to the ~~Department of Transportation and the~~ Federal Motor Carrier Safety Administration are amended to refer to the Authority.

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

(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) Section 392.5(a)(3) will not apply to motor carriers authorized to provide intrastate charter service by limousine or to the drivers of those motor carriers.~~

~~(e)~~ (d) References to special agents in Appendix B of 49 C.F.R. Chapter III, Subchapter B, are amended to include personnel of the Authority.

(f) (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.

~~(g)~~ (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. ~~Intrastate~~ ~~Interstate~~ commerce to transport passengers or property if the vehicle:

(a) Is designed to transport for compensation 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)~~ (b) 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 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).

2. To enforce these regulations, compliance enforcement officers of the 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 300 to 399, inclusive, is available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800, at the price of \$37. The volume containing 49 C.F.R. Part 40 is available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free

telephone at (866) 512-1800, at the price of \$66. The volumes are also available free of charge at the Internet address <http://www.gpo.gov/fdsys>.

5. If a provision adopted by reference pursuant to subsection 1 is revised, the Chair of the Authority will review the revision to determine its suitability for this State. If the Chair of the Authority determines that the revision is not suitable for this State, the Chair of the Authority will hold a public hearing to review his or her determination and give notice of the hearing within 6 months after the date of the publication of the revision. If, after the hearing, the Chair of the Authority does not revise his or her determination, the Chair of the Authority will give notice that the revision is not suitable for this State within 30 days after the hearing. If the Chair of the Authority does not give such notice, the revision becomes part of the provision adopted by reference pursuant to subsection 1.

[Dep't of Motor Veh., Motor Carrier Reg. § 2, eff. 2-4-82] — (NAC A by Dep't of Motor Veh. & Pub. Safety and Pub. Service Comm'n, 8-26-86; 12-4-89; 5-15-92; A by Transportation Serv. Auth. by R071-98, 10-28-98; R078-98, 1-28-99; A by Dep't of Motor Veh. & Pub. Safety by R205-99, 2-1-2000; A by Transportation Serv. Auth. by R040-02, 9-20-2002; A by Dep't of Pub. Safety by R167-03, 12-16-2003; R204-05, 2-23-2006; A by Nev. Transportation Auth. by R127-07, 9-18-2008; A by Dep't of Pub. Safety by R056-09, 1-28-2010; A by Nev. Transportation Auth. by R111-10, 12-16-2010; A by Dep't of Pub. Safety by R003-12, 5-30-2012) — (Substituted in revision for NAC 706.247)