

**PROPOSED REGULATION OF THE  
NEVADA TRANSPORTATION AUTHORITY**

**LCB File No. R091-18**

July 25, 2018

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

AUTHORITY: §§1, 13-16, 22 and 48, NRS 706.171; §§2, 4-9 and 24-45, NRS 233B.050 and 706.171; §§3 and 47, NRS 706.171 and 706.4477; §§10-12, NRS 706.171 and 706.462; §§17, 18, 21 and 46, NRS 706.171 and 706.321; §19, NRS 706.167 and 706.171; §20, NRS 706.166, 706.171, 706.173 and 706.178; §23, NRS 706.171 and 706.475.

A REGULATION relating to the Nevada Transportation Authority; authorizing the Authority to suspend or revoke a driver's permit in certain circumstances; imposing a fee for the replacement of a lost driver's permit; revising provisions governing practice before the Authority; imposing a fee for a replacement tow plate; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a person to obtain a driver's permit from the Nevada Transportation Authority to 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. (NRS 706.462) **Section 10** of this regulation authorizes the Authority to suspend or revoke a driver's permit under certain circumstances. **Section 11** of this regulation requires the holder of a driver's permit to notify the Authority within 10 days of any change of address, and requires the holder to apply to the Authority to renew his or her driver's permit. **Section 12** of this regulation requires the holder of a driver's permit to notify the Authority immediately if the holder loses his or her driver's permit, and authorizes the Authority to charge a fee to issue a duplicate driver's permit.

Existing regulations provide certain procedures governing certain proceedings before the Authority. (NAC 706.3933-706.4019) **Section 4** of this regulation provides a definition of the term "relevant" as the term is used in reference to evidence or information in a proceeding. **Section 5** of this regulation prohibits certain persons involved in a proceeding from certain communications with any Commissioners of the Authority during the pendency of the proceeding. **Section 6** of this regulation allows a person to respond to a petition to intervene in a proceeding that is filed with the Authority, and sets forth the requirements for such a response. **Section 7** of this regulation requires that all evidence offered in a proceeding be relevant.

**Section 8** of this regulation sets forth requirements for how a party to a proceeding may offer rebuttal during the proceeding. **Section 9** of this regulation provides for entry into the record of a proceeding all evidence introduced during the proceeding, subject to the ruling of the presiding officer as to evidence to which timely objection was made.

Existing regulations prohibit a person from driving 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 obtained a driver's permit from the Authority. (NAC 706.13775) **Section 16** of this regulation further prohibits a person who is a fully regulated carrier of passengers, a taxicab motor carrier or the owner or operator of a charter bus who operates the charter bus for the purposes of charter bus transportation from allowing a person to drive for the fully regulated carrier of passengers, taxicab motor carrier or charter bus operation unless the person has obtained a driver's permit from the Authority.

Under existing regulations, every fully regulated carrier must file an annual report containing certain information with the Authority. (NAC 706.218) **Section 19** of this regulation provides that if the Authority rejects the annual report filed by a fully regulated carrier for any reason, the annual report will be deemed to have not been filed.

Under existing regulations, the Authority adopts certain federal regulations by reference. (NAC 706.2473) **Section 20** of this regulation provides that such regulations are adopted as they exist on the effective date of this regulation and as subsequently revised by the United States Department of Transportation, unless the Chair of the Authority, after reviewing such a subsequent revision and a hearing, gives notice that a revision is not suitable for this State.

Existing regulations authorize certain motor carriers who provide charter service by limousine to charge and collect a fuel surcharge from the carrier's passengers, in an amount approved by the Authority. (NAC 706.3555) **Section 21** of this regulation newly provides a standard for determining the authorized fuel surcharge for a limousine which uses propane fuel.

Existing regulations require any taxicab placed into passenger service to be equipped with a taximeter that has a properly attached seal as affixed by the Authority. (NAC 706.3758) **Section 22** of this regulation authorizes use of a taximeter without a seal if the taximeter has been approved by the Authority for use without a seal. **Section 23** of this regulation makes a conforming change.

Under existing regulations, certain persons participating in a proceeding before the Authority are considered parties to the proceeding. (NAC 706.3936) **Section 24** of this regulation provides that staff of the Authority are parties to a proceeding, and a person who files a protest to become a protestant is not a party to a proceeding. **Section 30** of this regulation allows a protestant who files for leave to intervene in a proceeding to become a party as an intervener if the petition is granted by the presiding officer.

**Section 27** of this regulation sets forth procedures for a party who has filed a motion and received a response to the motion to file a reply to that response. **Section 34** of this regulation

sets forth procedures for cross-examination of certain witnesses in a proceeding, and authorizes the presiding officer of a proceeding to strike certain witness testimony under certain circumstances.

Existing regulations require a plate for a tow car to be issued for each tow car in service. (NAC 706.405) **Section 46** of this regulation authorizes the Authority to charge a fee for a replacement tow plate.

Under existing law, there are certain restrictions regarding the towing of a vehicle from a residential complex if the tow is done at the request of the owner of the residential complex, not the owner of the vehicle. (NRS 706.4477) **Section 47** of this regulation imposes certain requirements on a tow carrier who is requested to make such a tow.

**Section 48** of this regulation repeals the definition of “party of record,” and **sections 14, 24-27, 29-31, 33, 35-37, 39 and 41-45** of this regulation make conforming changes.

**Section 1.** Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this regulation.

**Sec. 2.** *“Intervener” means a person granted leave to intervene by the Presiding Officer or the Authority pursuant to NAC 706.3968 or 706.397.*

**Sec. 3.** *“Residential complex” has the meaning ascribed to it in subsection 6 of NRS 706.4477.*

**Sec. 4.** *As used in NAC 706.3933 to 706.4019, inclusive, and sections 2 and 5 to 9, inclusive, of this regulation, the term “relevant” in reference to evidence or information means that the evidence or information:*

- 1. Is directly related to the subject matter of a proceeding; and*
- 2. Has any tendency to make the existence of any fact that is of consequence to a determination by the presiding officer more or less probable than it would be without the evidence or information.*

**Sec. 5. 1.** *In any contested case pending before the Authority, a party or a protestant or an authorized representative of, or an attorney representing, a party or a 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 and chapter 706 of NRS; or*

*(b) Takes place during a formal hearing before the Authority.*

**2.** *The provisions of this section apply from the date on which the pleading or other document that commences the contested case is filed until 15 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, inclusive, 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.*

**Sec. 6. 1.** *A person who wishes to respond to a petition for leave to intervene filed pursuant to NAC 706.3965, 706.3966 and 706.3967 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 to the proceeding 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, 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.*

*Sec. 7. All evidence offered in a proceeding, including, without limitation, the testimony of a witness, must be relevant.*

*Sec. 8. 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, 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.*

**Sec. 9.** *At the conclusion of the hearing, all evidence will be received into the record, subject to the ruling of the presiding officer as to evidence to which timely objection was made.*

**Sec. 10.** *The Authority may, for good cause shown and upon at least 5 days' notice to the holder of a driver's permit, and after a hearing unless waived by the holder, suspend or revoke a driver's permit if the Authority determines that:*

*1. The holder has been convicted of an offense that could result in a refusal to issue a driver's permit pursuant to subsection 3 of NRS 706.462; or*

*2. Allowing the holder to continue to hold a driver's permit would be detrimental to public health, welfare or safety.*

**Sec. 11.** *1. If the holder of a driver's permit changes his or her address, the holder shall notify the Authority of the change within 10 days.*

*2. To renew a driver's permit, the holder must apply to the Authority. The Authority shall renew a driver's permit if the applicant for renewal satisfies the requirements of subsection 2 of NRS 706.462 and pays the applicable fees required by subsection 5 of NRS 706.462.*

**Sec. 12.** *1. Upon the loss of a driver's permit, the holder shall immediately notify the Authority and shall not operate a vehicle for which a driver's permit is required until the holder has obtained a duplicate driver's permit.*

*2. The Authority may charge a fee of \$10 to issue a duplicate driver's permit.*

**Sec. 13.** NAC 706.0655 is hereby amended to read as follows:

706.0655 "Hearing" means any public proceeding ~~for~~ :

*(a) For* which notice is provided by the Authority in accordance with applicable statutes and regulations ~~H~~ ; *and*

*(b) Which includes an opportunity for parties to present relevant written or oral testimony.*

**Sec. 14.** NAC 706.103 is hereby amended to read as follows:

706.103 “Rebuttal” means evidence offered by an applicant, petitioner or complainant which must directly explain, repel, counteract or disprove facts offered in evidence by parties ~~of~~ ~~record~~ opposing the application, petition or complaint.

**Sec. 15.** NAC 706.1335 is hereby amended to read as follows:

706.1335 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.

**Sec. 16.** NAC 706.13775 is hereby amended to read as follows:

706.13775 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. *A person who is a fully regulated carrier of passengers, a taxicab motor carrier or the owner or operator of a charter bus who is subject to the provisions of NRS 706.463 shall not allow a person to drive a motor vehicle for a fully regulated carrier of passengers or a taxicab motor carrier as an employee, independent contractor or lessee or a charter bus for the purposes of charter bus transportation unless the person has a valid driver’s permit issued by the Authority pursuant to NRS 706.462.*

3. 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.

*4. As used in this section, "driver's permit" includes a temporary driver's permit issued by the Authority pursuant to NAC 760.13779.*

**Sec. 17.** NAC 706.1385 is hereby amended to read as follows:

706.1385 1. Tariffs or supplements must be in loose-leaf form on good quality paper which is 8 1/2 by 11 inches, typed or reproduced by any clear, legible and durable process. If the tariff is also filed with the Surface Transportation Board and the Surface Transportation Board allows a size or format different from that specified by the Authority, that different size will be accepted by the Authority.

2. The format must be as follows:

(a) On each page, a 1-inch margin must be provided on the left-hand or binding edge and a 1/2-inch margin provided on the right-hand side. No printing or writing may appear in these margins.

(b) Each page must be numbered in the upper left-hand corner beginning with "Original Title Page, Original Page 1, Original Page 2," and so forth.

(c) Each page (Form 24C\*), except the title page, must have:

(1) In the upper right-hand corner, the number of the Authority assigned to that tariff by the motor carrier, issuing agency or agent.



(2) In the center at the top, the name of the carrier, issuing agency or agent and the name of the business, if any. The name, description and number of the tariff must be placed below the names.

(3) In the lower left-hand corner, between the text on the page and the statement of the issuing officer, the word “Issued” and on the same line in the lower right-hand corner, the word “Effective.”

(4) On the bottom of the page, in the center, below “Issued” and “Effective,” the words “Issued by” followed by the name of the issuing officer, his or her address, city, state and zip code number.

(d) The title page (Form 24A\*) must have:

(1) In the upper right-hand corner, the number of the Authority assigned to that tariff by the motor carrier, issuing agency or agent.

(2) In the center of the page, the name of the carrier, issuing agency or agent and the name of the business, if any. The name, description and number of the tariff must be placed below the names.

(3) In the lower left-hand corner, the word “Issued” and, immediately below, the word “Effective.” The lower right-hand corner must be left blank for use by the Authority.

(4) On the bottom of the page, in the center, on the same line as “Issued,” the words “Issued by,” followed by the name of the issuing officer, his or her address, city, state and zip code number.

(e) Each new (Form 24D\*) or revised page filed must have the date of issue by the name of the motor carrier inserted after the title “Issued.” The space after “Effective” may be left blank on strictly intrastate tariffs in the State of Nevada. Any desired effective date in such a case must



filing, inserted below the bottom line in the left-hand corner of the page (Form 24E\*). Each tariff filed must have a checking sheet for correction numbers (Form 24C\*) on page 1 and must be referred to as that tariff filing is revised. One correction number must be assigned to each new or revised page, and no correction number may be used for more than one page.

(j) If any tariff is reissued that completely cancels a current tariff (Form 24E\*), the reissued tariff must bear the same tariff number as the current tariff, suffixed by a letter, for example, Tariff No. 1-A, and continuing through the alphabet as that tariff is reissued. The reissued tariff will be assigned a new number that does not duplicate any other number on any other tariff held by that motor carrier, issuing agency or agent and must be displayed on the reissued tariff as follows:

T.S.A. No. 2

                    cancels

T.S.A. or P.S.C.N. No. 1

Tariff No. 1-A

                    cancels

Tariff No. 1

3. The provisions of this section, except paragraphs (g) and (h) of subsection 2, do not apply to the National Motor Freight Classification or the ATA Hazardous Materials Tariff.

\*See adopting agency for form.

**Sec. 18.** NAC 706.1386 is hereby amended to read as follows:

706.1386 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.

2. The transmittal letter must state the effect, if any, the filing will have on the currently effective tariffs of the motor carrier and include a reference to those tariffs affected.

**Sec. 19.** NAC 706.218 is hereby amended to read as follows:

706.218 1. Every fully regulated carrier shall keep an accurate record of the revenues from his or her operations in this State, operating and other expenses and other required information and include such information in his or her annual report covering the yearly period fixed by the Authority, unless otherwise provided by law. The Authority will prescribe the character of the information to be embodied in the annual report and furnish a blank form for the report.

2. Every fully regulated carrier shall keep and render to the Authority, in the manner, form and detail prescribed by the Authority, uniform and detailed accounts of all business transacted.

3. The accounts of every fully regulated carrier must be closed annually on the basis of either a calendar or fiscal year, and the annual report must be filed not later than May 15 for reports based on a calendar year or not later than 135 days after the end of the fiscal year for reports based on a fiscal year.

4. The Authority will request information omitted from reports or not provided for therein, if in its judgment additional information is necessary.

*5. If the Authority rejects the annual report filed by a fully regulated carrier for any reason, the annual report will be deemed to have not been filed.*

**Sec. 20.** NAC 706.2473 is hereby amended to read as follows:

706.2473 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~~ *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. ~~Interstate~~ *Intrastate* 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; *or*

(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 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 will review the revision to determine its suitability for this State. If the Chair determines that the*

*revision is not suitable for this State, the Chair 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 does not revise his or her determination, the Chair will give notice that the revision is not suitable for this State within 30 days after the hearing. If the Chair does not give such notice, the revision becomes part of the provision adopted by reference pursuant to subsection 1.*

**Sec. 21.** NAC 706.3555 is hereby amended to read as follows:

706.3555 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              |
| \$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              |

| Fuel Price: | Surcharge per Hour: |
|-------------|---------------------|
| \$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~~ *Except as otherwise provided in paragraph (c), 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 average retail price per gallon of propane according to the United States Department of Energy, Office of Energy Efficiency & Renewable Energy Alternative Fuel Price Report, West Coast, effective on the first day of the first month following each quarterly publication, available on the Internet website of the United States Department of Energy, Office of Energy Efficiency & Renewable Energy at <https://www.afdc.energy.gov/fuels/prices.html>.*

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](http://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.

**Sec. 22.** NAC 706.3758 is hereby amended to read as follows:

706.3758 1. A certificate holder shall not place a taxicab into passenger service at any time unless the taximeter has been ~~inspected~~ :

(a) *Inspected* and sealed by the Authority ~~H~~ ; or

(b) *Approved by the Authority for use without a seal.*

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 a seal is required,*

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

**Sec. 23.** NAC 706.376 is hereby amended to read as follows:

706.376 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~~ :

*(a) Does not have a properly attached seal as affixed by the Authority ~~+~~ ; or*

*(b) Has not been approved by the Authority for use without a seal.*

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 substances or drugs , including, without limitation, marijuana and alcohol,* 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 706.2473.

**Sec. 24.** NAC 706.3936 is hereby amended to read as follows:

706.3936 1. According to the nature of the proceedings before the Authority and the relationships of the parties to the proceedings, a party to a proceeding must be styled an applicant, petitioner, complainant, respondent, intervener or ~~protestant.~~ *staff of the Authority.*

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,~~ 706.397, 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.”

*7. Members of the staff of the Authority who participate in a proceeding are considered parties to the proceeding, but any other party required to provide notice or other information to the parties to a proceeding is only required to provide such notice to the Authority, not to each member of the staff of the Authority participating in the proceeding.*

**Sec. 25.** NAC 706.3939 is hereby amended to read as follows:

706.3939 ~~{}~~ 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.}~~

**Sec. 26.** NAC 706.3959 is hereby amended to read as follows:

706.3959 1. Any request for an order by the Authority, except for an order to allow intervention or an order to show cause, concerning any matter that has been assigned a docket number but has not been finally decided by the Authority must be styled a “motion.”

2. A motion must be in writing unless made during a hearing. If a motion is made during a hearing, the motion may be written or oral. Oral motions must be timely made.

3. The presiding officer may order the parties to file one or more affidavits in support or contravention of a motion which has been made.

4. A motion must include, without limitation, citations of any authorities upon which the motion relies.

5. A written motion must be filed with the Authority and served upon all parties ~~{of record}~~ *to the proceeding.*

6. The presiding officer may direct that any motion made at a proceeding be reduced to writing, and filed and served in accordance with this section.

7. A motion that involves the final determination of a proceeding, including, without limitation, a motion to dismiss, will be considered by the Authority at the time of the final decision and order, unless the presiding officer or the Authority determines that an expedited ruling would be in the public interest.

8. The presiding officer may rule on any motion made at a hearing which does not constitute a final determination of the proceeding.

9. A written motion other than one made during a proceeding must be served not later than 10 days before the date set for the hearing unless a different time is specified by the presiding officer.

10. Motions filed by different parties ~~{of record}~~ but involving the same point of law may be set for hearing at the same time.

~~{11. For the purpose of this section, "party of record" includes, without limitation, all persons who have filed petitions for leave to intervene which are pending at the time a motion is to be filed or served.}~~

**Sec. 27.** NAC 706.396 is hereby amended to read as follows:

706.396 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 who:*

*(a) Directs a motion against another party; 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 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.*

*(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 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.*

**Sec. 28.** NAC 706.3962 is hereby amended to read as follows:

706.3962 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.

**Sec. 29.** NAC 706.3964 is hereby amended to read as follows:

706.3964 An answer to a petition must:

1. Be in writing;
2. Be written so as to advise the Authority and parties ~~of record~~ fully of the nature of the answer;
3. Contain a separate statement and number for each material element of the answer;
4. Be signed by the answering party or, if represented, by his or her attorney or other authorized representative;
5. Include the full name, address and telephone number of the answering party; and
6. Be filed with the Authority within 15 days after service of the petition to which the answer is directed, unless the Authority shortens or extends this time.

**Sec. 30.** NAC 706.397 is hereby amended to read as follows:

706.397 1. Any objection ***or request to make a statement at a hearing*** by a person, ***including, without limitation, a state or local governmental entity***, who is not a party ~~of record~~ to an application, petition or other matter must be styled a “protest ~~of~~ ” ***and such a***



*person must be styled a “protestant.” The filing of a protest or request to make a statement does not make the protestant a party.*

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 ~~{}~~ *and may allow a protestant to make a statement.* 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 ~~{}~~, *at which time the protestant must be styled an “intervener.”*

**Sec. 31.** NAC 706.3971 is hereby amended to read as follows:

706.3971 1. All documents required to be served on a party by any other party may be served in person or by mail. If the service is by mail, the service is complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

2. After the commencement of a proceeding, a copy of each pleading to be filed with the Authority must be served by the pleading party on every other party. ~~{of record}~~ If a party ~~{of record}~~ is represented by an authorized representative or an attorney, service must be made on

that representative or attorney. Service must be made before or concurrently with the filing of the pleading with the Authority.

3. Upon the advance request of another party, a party serving a document shall telephone the requesting party when the document is ready to be served so that it may be accepted personally by the requesting party in lieu of service by mail.

**Sec. 32.** NAC 706.3973 is hereby amended to read as follows:

706.3973 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}~~ *require that an informal written* complaint ~~{}~~ *be 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.

**Sec. 33.** NAC 706.3981 is hereby amended to read as follows:

706.3981 1. If a proceeding appears to involve complex or multiple issues, the presiding officer may hold a prehearing conference to accomplish one or more of the following purposes:

- (a) Formulate or simplify the issues involved in the proceeding.
- (b) Obtain admissions of fact or any stipulation of the parties.
- (c) Arrange for the exchange of proposed exhibits or prepared expert testimony.
- (d) Identify the witnesses and the subject matter of their expected testimony and limit the number of witnesses, if necessary.
- (e) Rule on any pending procedural motions, motions for discovery or motions for protective orders.
- (f) Establish a schedule for the completion of discovery.
- (g) Establish any other procedure which may expedite the orderly conduct and disposition of the proceedings.

2. Notice of any prehearing conference will be provided to all parties. ~~of record.~~ Unless otherwise ordered for good cause shown, the failure of a party to attend a prehearing conference constitutes a waiver of any objection to the agreements reached or rulings made at the conference.

3. The action taken and the agreements made at a prehearing conference:

- (a) Must be made a part of the record.

(b) Control the course of subsequent proceedings unless modified at the hearing by the presiding officer.

(c) Are binding upon all parties and persons who subsequently become parties to the proceeding.

4. In any proceeding the presiding officer may call all the parties together for a conference before the taking of testimony or may recess the hearing for such a conference to carry out the intent of this section. The presiding officer will state on the record the results of such a conference.

**Sec. 34.** NAC 706.3985 is hereby amended to read as follows:

706.3985 **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.*

**Sec. 35.** NAC 706.3987 is hereby amended to read as follows:

706.3987 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.

**Sec. 36.** NAC 706.3989 is hereby amended to read as follows:

706.3989 1. A request by a party ~~of record~~ for an order for the appearance of a witness at any designated place of hearing or for the production of a book, paper or document must be made in the form of a written motion filed with the Authority or presiding officer.

2. A motion for an order to compel the production of a book, paper or document must set forth the reasons which support the issuance of the order and must identify, as clearly as possible, the book, paper or document desired.

3. If the motion is granted, the Authority will issue the order or the presiding officer shall issue the order on behalf of the Authority. Where appropriate, the issuance of the order may be conditioned upon an advancement by the moving party of the reasonable cost of the production of books, papers or documents.

4. The Authority will or the presiding officer shall, upon the Authority's or the presiding officer's own initiative or upon a written request by the party to whom the order is directed, quash or modify the order if it is determined to be unreasonable or oppressive.

5. The Authority or presiding officer may, upon the Authority's or the presiding officer's own initiative, issue an order requiring the attendance and testimony of witnesses and the production of a book, paper, document or other tangible thing.

**Sec. 37.** NAC 706.399 is hereby amended to read as follows:

706.399 1. An objection to the admissibility of evidence may be made by any party, ~~{of record,}~~ and the objection must be ruled on by the presiding officer. When an objection is made to the admission or exclusion of evidence, the grounds relied upon must be stated briefly. The presiding officer shall provide an opportunity for a party ~~{of record}~~ to respond to an objection raised by any other party regarding the admissibility of evidence. The responses must be brief and state the specific grounds relied upon.

2. An offer of proof for the record must consist of a statement of the substance of the evidence to which an objection has been sustained.

**Sec. 38.** NAC 706.3991 is hereby amended to read as follows:

706.3991 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.†~~ 3. 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.

**Sec. 39.** NAC 706.3992 is hereby amended to read as follows:

706.3992 1. An exhibit must be limited in size to 8 1/2 by 11 inches when folded, unless otherwise allowed by the presiding officer. A copy of each documentary exhibit must be furnished to each party, ~~†of record,†~~ and copies of each exhibit must be furnished to the Authority in such number as requested by the staff of the Authority or the presiding officer. The Authority or presiding officer may not request more than 10 copies of each documentary exhibit. A copy must be submitted to the court reporter or transcriber. If relevant evidence is included in a written or printed statement, book or document of any kind containing other matter not relevant and not intended to be put in evidence, the statement, book or document containing that other matter may not be received or admitted in whole. Counsel or other parties offering the evidence or exhibit shall present, in convenient and proper form for filing, a copy of the relevant portions or, at the discretion of the presiding officer, read these portions into the record. Any documentary evidence offered, whether in the form of an exhibit or introduced by reference, is subject to appropriate and timely objection.

2. If documents are numerous, such as freight bills or bills of lading, and a party desires to offer into evidence more than a limited number of these documents as typical of the others, an



orderly abstract of relevant data contained in these documents may be prepared and offered as an exhibit. Other parties ~~{of record}~~ may examine both the abstract and the source document.

3. In a proceeding involving detailed accounting exhibits, the presiding officer shall require each party to file with him or her and to serve on each party ~~{of record}~~ a copy of these exhibits within a specified time before the hearing to enable the parties ~~{of record}~~ to study the exhibits and to prepare cross-examination with reference to them. An amendment to an exhibit may be made after the exhibit has been filed with the presiding officer if it does not prejudice the rights of any party or if it corrects a clerical or mathematical error.

**Sec. 40.** NAC 706.3995 is hereby amended to read as follows:

706.3995 1. All rulings made by the presiding officer regarding the admissibility of evidence *and the granting or denial of a petition to intervene* 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.

**Sec. 41.** NAC 706.3998 is hereby amended to read as follows:

706.3998 The Authority or presiding officer may, in the course of a proceeding and before entering a decision or a recommended decision, issue an appropriate written interim order. An interim order is not subject to exceptions or petitions for rehearing, reconsideration or reargument, but any party ~~{of record}~~ aggrieved by the interim order may file a written motion to set aside, stay or modify the order.

**Sec. 42.** NAC 706.3999 is hereby amended to read as follows:

706.3999 The Authority or presiding officer may take official notice of the following matters:

1. Rules, regulations, official reports, decisions and orders of the Authority and any other agency of the State.
2. Contents of decisions, orders, certificates and permits issued by the Authority.
3. Matters of common knowledge and technical or scientific facts of established character.
4. Official documents, if pertinent and properly introduced into the record of formal proceedings by reference. A proper and definite reference to a document must be made by the party offering the document, and the document must be generally circulated to each party . ~~of record.~~

**Sec. 43.** NAC 706.400 is hereby amended to read as follows:

706.400 In a hearing, the presiding officer may order briefs to be filed within a reasonable time. The original and such copies of each brief as requested by the presiding officer, but not to exceed 10 copies, must:

1. Be filed with the Authority;
2. Contain all legal authority cited therein as exhibits; and
3. Be accompanied by an acknowledgment of or an affidavit showing service on each party . ~~of record.~~

**Sec. 44.** NAC 706.4001 is hereby amended to read as follows:

706.4001 The ~~Authority~~ *presiding officer* may, following the filing of briefs or upon contested motions, set the matter for oral argument upon ~~10~~ *not less than 5* days' notice to each party . ~~of record, unless the Authority considers a shorter time advisable.~~

**Sec. 45.** NAC 706.4004 is hereby amended to read as follows:

706.4004 1. The presiding officer may require any party ~~{of record}~~ to file proposed findings of fact and conclusions of law at the close of the proceeding. The presiding officer will fix the period within which these proposed findings and conclusions must be filed. No decision, report or recommended order may be made until after the expiration of this period.

2. Each proposed finding of fact and conclusion of law must be clearly and concisely stated and numbered. Each proposed finding of fact must specifically show, by appropriate references to the transcript, the testimony which supports the statement.

3. An original and such copies of proposed findings of fact and conclusions of law, accompanied by a certificate of service, as requested by the presiding officer must be filed by each party with the Authority, and one copy must be served upon each party . ~~{of record}~~ A presiding officer may not request more than 10 copies of proposed findings of fact and conclusions of law.

4. Any party ~~{of record}~~ may petition the Authority for an extension of time in which to file proposed findings of fact and conclusions of law.

**Sec. 46.** NAC 706.405 is hereby amended to read as follows:

706.405 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.***

**Sec. 47.** NAC 706.4275 is hereby amended to read as follows:

706.4275 1. ~~HH~~ *Except as otherwise provided in subsection 2, 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, the specific request must:

(a) Be in writing;

(b) Be signed, 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 owner of a residential complex or an authorized agent of the owner makes a specific request pursuant to subsection 2 of NRS 706.4477 for the towing of a vehicle from the residential complex, the tow carrier:*

*(a) Must, before towing the vehicle, verify that the owner of the residential complex or authorized agent of the owner:*

*(1) Issued the specific request in writing or in an electronic format authorized by the Authority;*

*(2) Signed the specific request or authorized the specific request electronically, in a format authorized by the Authority, not more than 24 hours before the towing of the vehicle; and*

*(3) If the specific request is pursuant to subparagraph (1), (2) or (3) of paragraph (b) of subsection 2 of NRS 706.4477, affixed to the vehicle not less than 48 hours before the towing of the vehicle a sticker which provides the date and time after which the vehicle is to be towed.*

*(b) May tow the vehicle if the owner of the residential complex or authorized agent of the owner verifies that the vehicle meets one of the requirements of paragraph (b) of subsection 2 of NRS 706.4477.*

3. 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.

*4. As used in this section, “authorized agent” may include a resident or tenant of the residential complex if he or she has been so authorized by the owner of the residential complex.*

**Sec. 48.** NAC 706.096 is hereby repealed.

---

---

**TEXT OF REPEALED SECTION**

---

---

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