

**PROPOSED REGULATION OF THE
NEVADA TRANSPORTATION AUTHORITY**

LCB File No. R020-19

December 18, 2019

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

AUTHORITY: §§1-32, NRS 706.171.

A REGULATION relating to transportation; revising provisions regulating limousines, charter busses and other fully regulated carriers; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Nevada Transportation Authority to supervise and regulate certain fully regulated carriers of passengers and property. (NRS 706.166) Existing regulations make a distinction between a traditional limousine and a livery limousine, based primarily on the passenger capacity of the vehicle. (NAC 706.080, 706.124) **Sections 3 and 4** of this regulation newly define a “limousine” as a vehicle with a capacity of less than 16 persons, including the driver, that is used to provide certain charter services, and a “livery vehicle” as a vehicle with a capacity of more than 8 persons but less than 24 persons, excluding the driver, which is used to provide certain transportation services to passengers and passenger groups. **Section 32** of this regulation makes a conforming change. Under existing regulations, a bus is defined as having a capacity of 16 or more persons, including the driver, designed for certain transportation services. (NAC 706.022) **Section 7** of this regulation changes the capacity of such a bus to 24 or more persons, not including the driver. Existing regulations provide definitions for “charter service by bus” and “charter service by limousine.” (NAC 706.034, 706.036) **Sections 9 and 10** of this regulation revise those definitions based primarily on the revised vehicle definitions and **section 2** of this regulation provides a new definition for “charter service by livery vehicle.” **Sections 6, 8, 10-12, 15-23 and 25-31** of this regulation make conforming changes based on the revised vehicle definitions.

Section 5 of this regulation prohibits a carrier from staging or standing a charter bus at a commercial location under certain circumstances. **Section 13** of this regulation requires an acknowledgement of that prohibition be included in an application for a certificate of public convenience and necessity to provide intrastate charter service by bus. (NAC 706.1377)

Existing regulations provide requirements for the contents of a charter order, which is prepared by certain carriers and sets out a customer’s request for certain charter transportation services. (NAC 706.354) **Section 24** of this regulation requires a charter order to be completed by the carrier before the charter transportation service begins.

Section 1. Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. 1. *“Charter service by livery vehicle” means the exclusive use of a livery vehicle for the prearranged transportation of passengers and their baggage under a charter order at an hourly rate for a minimum of 1 hour.*

2. The term does not include:

(a) Scenic tours;

(b) Special services;

(c) Airport transfer services;

(d) Service which will be resold by the broker for scenic tours or airport transfer services;

or

(e) The carriage of property or cargo not belonging to a group of passengers being transported.

Sec. 3. *“Limousine” means a motor vehicle that is used to provide charter service by limousine for compensation and that was originally manufactured as having a capacity of less than 16 persons, including the driver.*

Sec. 4. *“Livery vehicle” means a motor vehicle that is used by a fully regulated common carrier of passengers to provide transportation services to passengers and passenger groups at a rate previously approved by the Authority, and that was originally manufactured and is currently configured to have a capacity of a capacity of 9 or more persons but less than 24 persons, excluding the driver.*

Sec. 5. *A carrier shall not stage or stand a charter bus at a commercial location unless:*

1. The charter bus is operating pursuant to an on-going charter; or

2. The carrier has a written agreement with the owner or operator of the commercial location to provide a charter bus at that location for charter service by bus on specific days and times.

Sec. 6. NAC 706.015 is hereby amended to read as follows:

706.015 “Airport transfer service” means the transportation of passengers and their baggage in the same vehicle, except by taxicab, for a per capita charge between airports or between an airport and points and places in this State. The term does not include charter services by bus, charter services by limousine, *charter services by livery vehicle*, scenic tours or special services.

Sec. 7. NAC 706.022 is hereby amended to read as follows:

706.022 “Bus” means any motor vehicle that was originally manufactured and is currently configured with a capacity of ~~16~~ 24 or more persons, *not* including the driver, designed, constructed and used for the transportation of passengers ~~1~~ *and* their baggage. ~~and light express.~~

Sec. 8. NAC 706.032 is hereby amended to read as follows:

706.032 “Charter order” means a written order prepared by a ~~fully-regulated~~ *common motor carrier of passengers* authorized to provide charter service by *bus, charter service by limousine or charter service by livery vehicle* setting out a request from a customer for the services of the carrier.

Sec. 9. NAC 706.034 is hereby amended to read as follows:

706.034 1. “Charter service by bus” means the ~~prearranged~~ transportation of ~~persons~~ *passengers* who, *in advance of the transportation being provided*, have ~~acquired~~ *chartered* the *bus for their* exclusive use ~~of a bus~~ for a particular itinerary ~~under a single contract and~~ at

a ~~{fixed charge for the bus,}~~ *rate* which is consistent with the tariff filed by the carrier . ~~{, for the duration of the charter.}~~

2. Except as otherwise provided in paragraph (d) of subsection 3, the term includes *transportation* services sold to a broker at ~~{an hourly}~~ *the tariff* rate only, for resale by the broker *at per capita rates or at hourly rates* in combination with other services or facilities not related to transportation ~~{at per capita rates or at hourly rates, as necessary.}~~ , *provided that the cost of the transportation is a de minimus portion of the overall charges due to the broker.* As used in this subsection, “in combination with other services or facilities not related to transportation” means transportation purchased by a purchaser or broker and resold by the purchaser or broker for the purpose of transporting passengers, under a single contract, for a particular itinerary between a definite point of origin and a location where services or facilities other than, or unrelated to, transportation are provided by the purchaser or broker for its benefit or for the benefit of a third party, including, without limitation, malls, the place of employment of passengers or other similar locations or facilities.

3. The term does not include:

- (a) Scenic tours;
- (b) Special services;
- (c) Airport transfer services;
- (d) Service which will be resold by the broker for scenic tours or airport transfer services; or
- (e) The carriage of property or cargo not belonging to the group of passengers being transported.

Sec. 10. NAC 706.036 is hereby amended to read as follows:

706.036 1. “Charter service by limousine” means the exclusive use of a ~~traditional~~ limousine ~~for livery limousine~~ for the prearranged transportation of passengers and their baggage under a charter order at an hourly rate for a minimum of 1 hour.

2. The term does not include:

- (a) Scenic tours;
- (b) Special services;
- (c) Airport transfer services;
- (d) Service which will be resold by the broker for scenic tours or airport transfer services; or
- (e) The carriage of property or cargo not belonging to a group of passengers being transported.

Sec. 11. NAC 706.112 is hereby amended to read as follows:

706.112 “Scenic tour” means the transportation at a per capita or an hourly rate of passengers to various points of interest for the purpose of sight-seeing or visiting those points of interest where a narrated tour is presented to the passengers. The term does not include charter services by bus, charter services by limousine, *charter services by livery vehicle*, special services or airport transfer services.

Sec. 12. NAC 706.119 is hereby amended to read as follows:

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

Sec. 13. NAC 706.1377 is hereby amended to read as follows:

706.1377 1. An application for:

(a) The initial issuance of a certificate of public convenience and necessity to provide intrastate charter service by bus made pursuant to NRS 706.386 to 706.411, inclusive; or

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

(1) Such a certificate;

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

(3) A partnership that holds such a certificate; or

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

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

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

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

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

(c) A statement of the rates or fares proposed to be charged and the rules governing the operations of the intrastate charter service by bus pursuant to NRS 706.321 in the form of a tariff prepared pursuant to NAC 706.138 to 706.139, inclusive.

(d) The type and number of units of equipment to be used in the proposed service that includes the year, make, model, passenger capacity and, if available, vehicle identification number of each vehicle to be used to provide the intrastate charter service by bus.

(e) A statement describing:

(1) The address of the domicile of the company and the location where the company maintains its business office and records; and

(2) The address and location of the terminal and the equipment to be used by the company.

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

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

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

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

(h) If the applicant is not a natural person, a list of all owners, including associated stock certificates, membership certificates or associated documents, along with the percentage of ownership interest of each partner, member or owner. If the applicant is a publicly traded corporation, the requirements of this paragraph may be satisfied by attaching to the application a copy of Form 10-K or its equivalent filed with the Securities and Exchange Commission showing the controlling ownership, officers and directors of the corporation.

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

(j) A copy of the complaint procedures that will be used.

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

(l) *An acknowledgment of the requirement of section 5 of this regulation.*

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

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

Sec. 14. NAC 706.147 is hereby amended to read as follows:

706.147 1. The Authority will consider a provider of free shuttle service to passengers who may or may not have baggage to be a common motor carrier unless all of the following conditions are met:

(a) The provider's business is not the transportation of property or passengers and any transportation furnished is incidental to its business.

(b) The provider indicates in any advertisement including information on free transportation that the transportation will only be furnished to its customers. Such information must be incidental to an advertisement of the business.

(c) The provider ensures that transportation is provided only to its customers.

(d) Except as otherwise provided in this paragraph, transportation is furnished only if the provider's place of business is the point of origin or the point of destination of each customer's trip. If the provider is a health insurer licensed to transact insurance in this State, the provider may provide transportation, other than emergency transportation, to an insured between a

medical facility where medical services covered by the health insurer have been or will be rendered and another medical facility or the residence of the insured.

(e) The driver is prohibited from soliciting gratuities, either directly or indirectly, or from placing a container for gratuities in the vehicle used to provide the free shuttle service. The driver may accept unsolicited gratuities.

(f) The driver is not compensated based upon the number of persons transported in a given period.

(g) The vehicle used to provide the free shuttle service is owned by and registered to:

- (1) The provider, at the place of business of the provider;
- (2) A subsidiary of the provider, at the place of business of the subsidiary;
- (3) An affiliate that controls the provider, at the place of business of the affiliate; or
- (4) A certificate holder, at the place of business of the certificate holder.

(h) The driver is employed by the person to whom the vehicle used to provide the free shuttle service is registered, as set forth in paragraph (g). ~~f), or an affiliate of that person.~~

(i) The vehicle used to provide the free shuttle service is properly marked on each side of the vehicle with the name or logo of the provider. Such markings must be at least 2 inches high and be visible from a distance of at least 50 feet.

2. The Authority will not consider the placement of the name of the business on the side of the vehicle used to provide the free shuttle service as an advertisement for transportation.

3. As used in this section:

- (a) “Affiliate” has the meaning ascribed to it in NRS 692C.030.
- (b) “Subsidiary” has the meaning ascribed to it in NRS 692C.100.

Sec. 15. NAC 706.210 is hereby amended to read as follows:

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

2. A carrier must submit a request for the approval of such a lease to the Authority at least 10 working days before the execution of the lease. The Chair or his or her designee shall approve or disapprove the lease within 10 working days after receiving the request for the approval of the lease. If the Chair or his or her designee does not approve or disapprove the lease within 10 working days after receiving the request for approval of the lease, the lease shall be deemed to be approved.

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

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

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

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

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

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

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

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

(1) An increase in customer demand; or

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

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

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

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

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

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

(a) A copy of the lease must be submitted to the Authority not later than the date on which the lease becomes effective; and

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

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

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

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

7. The approval of a lease pursuant to this section does not relieve the carrier of the obligation to comply with all other laws that otherwise apply with respect to the operation of the

~~traditional~~ limousine or livery ~~limousine~~ vehicle.

Sec. 16. NAC 706.229 is hereby amended to read as follows:

706.229 1. In addition to the applicable requirements set forth in 49 C.F.R. §§ 391.1, 391.2, 391.11(a), 391.11(b)(1) to 391.11(b)(4), inclusive, 391.11(b)(6), 391.11(b)(7), 391.11(b)(8), 391.13, 391.15, 392.2, 392.3, 392.4, 392.5 and 392.9 and 49 C.F.R. Parts 40, 382,

390, 393 and 397, a certificate holder shall not allow an employee to drive a ~~{traditional}~~ limousine or livery ~~{limousine:}~~ *vehicle* unless the employee:

(a) Is at least 21 years of age and has a valid Nevada driver's license or is a border state employee, as that term is defined in NRS 483.035;

(b) Possesses a valid driver's permit issued by the Authority;

(c) Provides to the certificate holder, on or before the date on which the employee becomes employed by the certificate holder as the driver of a ~~{traditional}~~ limousine or livery ~~{limousine:}~~ *vehicle:*

(1) A certificate from a licensed physician which demonstrates that the employee is physically qualified to operate a commercial motor vehicle in accordance with 49 C.F.R. § 391.43; and

(2) A copy of the driving record of the employee which is obtained from the Department and which demonstrates that the employee has not, within the 3 years immediately preceding the date on which the employee becomes so employed by the certificate holder:

(I) Been convicted of driving under the influence of an intoxicating liquor or a controlled substance;

(II) Been convicted of reckless driving;

(III) Been convicted of failing to stop and remain at the scene of a crash; or

(IV) Failed to keep a written promise to appear in court for any offense; and

(d) Within the 3 years immediately preceding the date on which the employee submitted to the certificate holder an application to be a driver of a ~~{traditional}~~ limousine or livery ~~{limousine:}~~ *vehicle:*

(1) Has not failed to appear for a hearing before the Authority which resulted in the employee being found to have violated a provision of this chapter or chapter 706 of NRS;

(2) Has not been found by the Authority to have violated the provisions of this chapter or chapter 706 of NRS more than five times; and

(3) Has not failed to pay on or before the due date any fine assessed against the employee by the Authority.

2. Each employee shall update annually the documents required pursuant to paragraph (c) of subsection 1.

3. A certificate holder shall retain a copy of each document submitted by an employee pursuant to this section for at least 3 years after his or her employment has terminated.

4. The Authority will create and maintain a list of persons who are not qualified to drive a ~~traditional~~ limousine or livery ~~limousine~~ *vehicle* pursuant to paragraph (d) of subsection 1.

Sec. 17. NAC 706.2471 is hereby amended to read as follows:

706.2471 1. The Department of Motor Vehicles 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, with the following exceptions:

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

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

(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 charter service by livery vehicle* or to the drivers of those motor carriers.

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

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

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

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

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

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

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

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

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

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

(c) Is owned or operated by a motor carrier subject to the jurisdiction of the Nevada Transportation 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, enforcement officers of the Department of Motor Vehicles 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. 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>.

Sec. 18. NAC 706.2472 is hereby amended to read as follows:

706.2472 1. The Department of Public Safety 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, with the following exceptions:

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

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

(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 charter service by livery vehicle* or to the drivers of those motor carriers.

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

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

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

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

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

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

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

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

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

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

(c) Is owned or operated by a motor carrier subject to the jurisdiction of the Nevada Transportation 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, enforcement officers of the Department of Public Safety 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. 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>.

Sec. 19. 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, 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 charter service by livery vehicle* or to the drivers of those motor carriers.

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

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

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

- (a) Is designed to transport more than eight passengers, including, without limitation, the driver;
- (b) Is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Secretary pursuant to 49 U.S.C. §§ 103, 104 and 106; or
- (c) Has a gross vehicle weight rating, gross combination weight rating or gross vehicle weight of 10,001 or more pounds, whichever is greater.

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

- (a) Is one described in paragraph (a) or (b) of subsection 1;
- (b) Has a gross vehicle weight rating, gross combination weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater; or
- (c) Is owned or operated by a motor carrier subject to the jurisdiction of the Nevada Transportation 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>.

Sec. 20. NAC 706.281 is hereby amended to read as follows:

706.281 A common motor carrier authorized to provide charter service by limousine *or charter service by livery vehicle* shall include on any bill or receipt provided to a customer the following information or shall display in a conspicuous place inside each limousine *or livery vehicle* which the carrier is authorized to operate a placard at least 5 inches by 7 inches in size which contains the following information:

IMPORTANT

You have chartered a (name of limousine *or livery vehicle* company) limousine

~~+~~ *or livery vehicle*. If you have any questions concerning the services

provided or wish to file a commendation or complaint, you may contact the

Nevada Transportation Authority at (702) 486-3303 or through its website at

<http://www.nta.nv.gov>.

Sec. 21. NAC 706.283 is hereby amended to read as follows:

706.283 A fully regulated carrier, other than a motor carrier authorized to provide charter service by limousine, *a motor carrier authorized to provide charter service by livery vehicle*, a motor carrier authorized to provide scenic tours, a motor carrier authorized to operate a taxicab or a carrier of household goods, shall include on any bill or receipt provided to a customer the following information:

IMPORTANT

You are riding in a (name of carrier) vehicle. Please note the company name and unit number of this vehicle. This information is important if you leave property in this vehicle or wish to file a commendation or complaint with the Nevada Transportation Authority at (702) 486-3303 or through its website at <http://www.nta.nv.gov>.

Sec. 22. NAC 706.352 is hereby amended to read as follows:

706.352 1. Multiple charters may not be performed unless the authorized carrier is paid for each individual charter service by bus , ~~or~~ charter service by limousine ~~or~~ *or charter service by livery vehicle*.

2. A broker who sells or resells multiple charters shall pay the carrier on the basis of each individual charter service by bus , ~~or~~ charter service by limousine *or charter service by livery vehicle* provided.

Sec. 23. NAC 706.353 is hereby amended to read as follows:

706.353 1. Only a common motor carrier authorized to provide charter service by limousine *or charter service by livery vehicle* may provide such service, but no such service may be provided until a charter order is prepared.

2. Except as otherwise provided in subsection 3, a charter service by limousine *or a charter service by livery vehicle* may not be operated over the same routes or to the same points so frequently as to constitute a regularly scheduled route or service.

3. A charter service by limousine *or a charter service by livery vehicle* may be operated over the same routes or to the same points in the form of a shuttle service.

Sec. 24. NAC 706.354 is hereby amended to read as follows:

706.354 1. A charter order must *be completed by the carrier before the initiation of charter service.*

2. A charter order must include:

- (a) The name of the person or group who contracted for the service.
- (b) The date of the request for service.
- (c) The date on which the service will be provided.
- (d) The approximate number of passengers.
- (e) The route.
- (f) The itinerary.
- (g) The charge for the service.
- (h) An identification of the equipment to be used.

~~2.~~ **3.** A copy of the charter order must be:

- (a) Carried on the vehicle and be available for inspection during the period of the service; and
- (b) Maintained in the files of the carrier for 3 years.

Sec. 25. NAC 706.355 is hereby amended to read as follows:

706.355 An authorized carrier who provides charter service by bus , ~~to~~ charter service by limousine *or charter service by livery vehicle* shall not charge a per capita fare for that service. Passengers must be transported under a single contract for a specified act of transporting, at a specific time and for a specific sum, as shown in the carrier's tariff.

Sec. 26. 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 *or charter service by livery vehicle* 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 *or charter service by livery vehicle* 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
\$5.75-6.24	\$9.00

Fuel Price:	Surcharge per Hour:
\$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 *or livery vehicle* 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 *or livery vehicle* 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).

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 *or charter service by livery vehicle* 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. 27. NAC 706.3611 is hereby amended to read as follows:

706.3611 A driver of a limousine ~~+~~ *or a livery vehicle:*

1. Shall not divert or attempt to divert a prospective customer from any commercial establishment.
2. Except as authorized by the driver's employer or the Authority, shall not allow any other person within his or her limousine *or livery vehicle* unless that person is a passenger who is being transported for a fare, or the guest of such a passenger.

Sec. 28. NAC 706.3612 is hereby amended to read as follows:

706.3612 1. A driver of a limousine *or a livery vehicle* shall not work a shift longer than 12 consecutive hours unless the driver is involved in a charter or a trip that commenced within a reasonable period before the end of the driver's shift.

2. Notwithstanding any provision of this section to the contrary, a driver of a limousine *or a livery vehicle* shall not under any circumstances work longer than 16 hours within a period of 24 consecutive hours.

3. A driver of a limousine *or a livery vehicle* who has completed a shift of 12 hours or more:

- (a) Shall not resume driving; and
- (b) Must not be knowingly allowed or required by his or her employer to resume driving,

↳ unless the driver has been off duty for at least 8 consecutive hours.

4. Except as otherwise provided in subsection 1, a certificate holder shall not knowingly require or allow any driver of a limousine *or a livery vehicle* employed by the certificate holder to work longer than 12 consecutive hours.

5. A certificate holder shall provide an appropriate and accurate method for tracking the hours that his or her drivers work. The method must be approved by the Authority before use by the certificate holder.

Sec. 29. NAC 706.379 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. If an employee of the Authority does not withdraw a vehicle from service pursuant to NAC 706.381, but the carrier knows or should have reason to know the vehicle does not conform to the standards prescribed in subsections 2 to 5, inclusive, the carrier shall withdraw the vehicle from service at the end of the operating day and the vehicle may not be placed back into service until any defective condition has been corrected and the vehicle is in compliance with

subsections 2 to 5, inclusive. If the vehicle does not conform to the standards prescribed in subsections 2 to 5, inclusive, and the carrier knows or should have reason to know the vehicle poses an immediate and substantial threat to the safety of the public or passengers of the vehicle, the carrier shall immediately withdraw the vehicle from service until any defective condition has been corrected and the vehicle is in compliance with subsections 2 to 5, inclusive, and no longer poses an immediate and substantial threat to the safety of the public or passengers. Failure of the carrier to take these actions may result in the suspension or revocation of the carrier's permit or certificate. Notice of repair of the vehicle must be made pursuant to NAC 706.381 before the vehicle may be operated.

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

Sec. 30. NAC 706.380 is hereby amended to read as follows:

706.380 A common or contract motor carrier authorized to operate a taxicab, ~~traditional~~ limousine, livery ~~limousine~~ *vehicle* or bus shall withdraw a vehicle from service at the end of the day and not place it back into service unless the vehicle:

1. Is structurally sound and operates with a minimum of noise and vibration;
2. Does not have any cracked, broken or badly dented fenders; and
3. Is painted so as to provide reasonable protection against structural deterioration.

Sec. 31. NAC 706.381 is hereby amended to read as follows:

706.381 1. A taxicab, ~~traditional~~ limousine, livery ~~limousine~~ *vehicle*, bus or any other vehicle operated by a common or contract motor carrier may be inspected at any time during regular business hours by an authorized employee of the Authority. Before placing a new vehicle into service, the carrier must notify the Authority in writing and make the vehicle available for inspection by an authorized employee of the Authority. Before placing a newly acquired but

previously owned vehicle into service, the carrier must notify the Authority in writing and the vehicle must pass an inspection by an authorized employee of the Authority.

2. If the authorized employee of the Authority finds that a vehicle is in a condition which violates any provision of subsections 2 to 5, inclusive, of NAC 706.379 and does not pose a threat to the safety of the public or passengers of the vehicle, he or she shall remove the vehicle from service effective at the end of the operating day and place a sticker on the windshield indicating that the vehicle is so removed from service.

3. If the authorized employee of the Authority finds that a vehicle is in a condition which violates any provision of subsections 2 to 5, inclusive, of NAC 706.379 and poses an immediate and substantial threat to the safety of the public or passengers of the vehicle, he or she shall immediately remove the vehicle from service by placing a sticker on the windshield indicating the vehicle is immediately removed from service. If passengers are aboard, the passengers must be safely unloaded and provided safe shelter until the driver of the vehicle obtains a substitute vehicle to transport the passengers to the original destination. A substitute vehicle must be provided immediately by the carrier. The driver must also contact the carrier so that the vehicle may be towed to the carrier's facility or another facility for repair. If passengers are not aboard the vehicle, the driver shall remove the vehicle from the road to a safe location and contact the carrier so that the vehicle may be towed to the carrier's facility or another facility for repair.

4. A vehicle removed from service pursuant to subsections 2 and 3 must remain out of service until the defect is repaired and a notice of repair is filed by the carrier with the Authority on a form provided by a representative of the Authority.

5. An authorized carrier shall maintain current records for each driver and of the inspection, maintenance and repairs of each vehicle. Each driver's record must contain all citations, all the

information required to be maintained pursuant to 49 C.F.R. § 391.51 and 49 C.F.R. Part 382, and other matters relevant to the driver's performance and his or her record of training. These records must be maintained and made available for inspection by the Authority pursuant to NAC 706.203.

Sec. 32. NAC 706.080 and 706.124 are hereby repealed.

TEXT OF REPEALED SECTIONS

706.080 “Livery limousine” defined. (NRS 706.171) “Livery limousine” means a motor vehicle engaged in the general transportation of persons for compensation that was originally manufactured as having:

1. A capacity of 9 or more persons but less than 16 persons, including the driver; or
2. A capacity of 16 or more persons, including the driver, but is currently configured with a capacity of less than 16 persons, including the driver.

706.124 “Traditional limousine” defined. (NRS 706.171) “Traditional limousine” means a motor vehicle engaged in the general transportation of persons for compensation that was originally manufactured as having a capacity of less than nine persons, including the driver.