

**REVISED PROPOSED REGULATION OF THE
TRANSPORTATION SERVICES AUTHORITY OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R218-97

March 23, 1998

EXPLANATION - Matter in *italics* is new; matter in brackets [] is material to be omitted.

AUTHORITY: §§2-5 and 8-10, NRS 706.166, 706.171 and 706.2883; §§6 and 7, NRS 706.166, 706.171, 706.197 and 706.2883.

Section 1. Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. *As used in sections 3 to 10, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Record on appeal” means the entire record of a final decision that is being appealed, including, without limitation, any document, pleading, tape recording of any hearing and certified transcript of any such tape recording concerning the final decision.*

Sec. 4. *“Taxicab authority” means the taxicab authority created pursuant to NRS 706.8818.*

Sec. 5. *“Transportation services authority” means the transportation services authority created pursuant to NRS 706.1511.*

Sec. 6. *1. Not later than 15 days after the date of service of a final decision of the taxicab authority rendered pursuant to NRS 706.8819, an aggrieved party may appeal the decision to the transportation services authority by:*

(a) Filing a notice of appeal with the transportation services authority; and

(b) Serving a copy of the notice of appeal upon the taxicab authority and all parties of record.

2. A notice of appeal must include, without limitation:

(a) A statement indicating that the appellant is an aggrieved party who is appealing a final decision of the taxicab authority;

(b) The case name and number of the final decision being appealed; and

(c) The date on which the final decision was rendered by the taxicab authority.

3. A notice of appeal must be accompanied by:

(a) A copy of the final decision rendered by the taxicab authority that is being appealed; and

(b) A filing fee of \$200 payable to the transportation services authority.

Sec. 7. *1. Except as otherwise provided in subsection 3, not later than 30 days after receiving service of a copy of a notice of appeal filed pursuant to section 6 of this regulation, the taxicab authority shall prepare and transmit the original or a certified copy of the record on appeal to the transportation services authority.*

2. The appellant shall pay the costs incurred by the taxicab authority for preparing and transmitting a record on appeal pursuant to subsection 1.

3. Upon a showing of good cause by the taxicab authority, the transportation services authority may extend the period provided in subsection 1 for the preparation and transmittal of a record on appeal.

Sec. 8. 1. Except as otherwise provided in subsection 4, upon receipt of a record on appeal from the taxicab authority pursuant to section 7 of this regulation, the transportation services authority will notify the appellant that within 30 days, he must:

(a) File with the transportation services authority a written brief that:

(1) Sets forth the grounds upon which the appellant considers the final decision of the taxicab authority to be erroneous;

(2) Includes specific citations to the record on appeal and any applicable legal authority;
and

(3) Does not exceed 20 pages in length; and

(b) Serve a copy of the written brief upon the taxicab authority and all parties of record.

2. Except as otherwise provided in subsection 4, not later than 15 days after the date of service of a copy of the written brief of an appellant pursuant to subsection 1, the taxicab authority, a party of record or both:

(a) May file a response to the written brief with the transportation services authority; and

(b) If such a response is filed, shall serve a copy of the response, as appropriate, upon the taxicab authority and all parties of record.

3. Except as otherwise provided in subsection 4, not later than 10 days after receiving service of a copy of a response from the taxicab authority or a party of record, the appellant:

(a) May file a reply to the response with the transportation services authority; and

(b) If such a reply is filed, shall serve a copy of the reply upon the taxicab authority and all parties of record.

4. The taxicab authority, a party of record or the appellant may file a motion with the transportation services authority to extend the period provided for the filing of a written brief, response or reply. Upon a showing of good cause, the chairman of the transportation services authority or the hearing officer assigned to the appeal pursuant to section 9 of this regulation may grant the motion.

Sec. 9. *1. The chairman of the transportation services authority shall review each notice of appeal from a final decision of the taxicab authority filed pursuant to section 6 of this regulation to determine whether to assign a hearing officer to the appeal or to place the matter on the agenda of a meeting of the transportation services authority for discussion.*

2. After the period provided for the filing of a written brief, response and reply:

(a) The transportation services authority may render a decision on the appeal based upon the written brief and any response or reply filed with the transportation services authority concerning the appeal; or

(b) The hearing officer assigned to the appeal may request all parties of record and the appellant to present oral arguments and may make a recommendation to the transportation services authority based upon those arguments, the written brief and any response or reply filed with the transportation services authority concerning the appeal.

Sec. 10. *1. The transportation services authority will:*

(a) Not grant a stay of the final decision of the taxicab authority while an appeal of that decision filed pursuant to section 6 of this regulation is pending before the transportation services authority; and

(b) Confine the review of the final decision of the taxicab authority to the record on appeal, the written brief of the appellant, any response or reply filed with the transportation services authority concerning the appeal and any oral argument presented to the transportation services authority concerning the appeal.

2. The transportation services authority may:

(a) Affirm the final decision of the taxicab authority;

(b) Reverse or remand with instructions the final decision of the taxicab authority if the transportation services authority determines that the final decision is clearly erroneous in view of the reliable, probative and substantial evidence; and

(c) Require the prevailing party to submit to the transportation services authority proposed findings of fact and conclusions of law and a proposed order.