

**ADOPTED REGULATION OF THE
TRANSPORTATION SERVICES AUTHORITY OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R078-98

Effective January 28, 1999

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

AUTHORITY: §§2-20, 24, 27, 29, 33, 34, 35, 36-54 and 59-61, NRS 706.171; §§21, 22 and 55, NRS 706.171 and 706.475; §23, NRS 706.171, 706.173 and 706.475; §§25, 26, 28, 30-32 and 56-58, NRS 706.171 and 706.173.

Section 1. Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 32, inclusive, of this regulation.

Sec. 2. *“Advertise” or “advertising” has the meaning ascribed to it in NRS 706.013.*

Sec. 3. *“Broker” has the meaning ascribed to it in NRS 706.021.*

Sec. 4. *“Certificate holder” means a person who holds a current certificate of public convenience and necessity to operate as a motor carrier.*

Sec. 5. *“Chairman” means the person designated as the chairman of the transportation services authority pursuant to NRS 706.1512.*

Sec. 6. *“City” has the meaning ascribed to it in NRS 706.026.*

Sec. 7. *“Common motor carrier” has the meaning ascribed to it in NRS 706.036.*

Sec. 8. *“Contract motor carrier” has the meaning ascribed to it in NRS 706.051.*

Sec. 9. *“Department” means the department of motor vehicles and public safety.*

Sec. 10. *“Fully regulated carrier” has the meaning ascribed to it in NRS 706.072.*

Sec. 11. *“Hazardous material” has the meaning ascribed to it in NRS 706.074.*

Sec. 12. *“Highway” has the meaning ascribed to it in NRS 706.081.*

Sec. 13. *“Independent contractor” means a person who leases a taxicab from a certificate holder pursuant to NRS 706.473.*

Sec. 14. *“Livery limousine” means a motor vehicle that:*

1. Was a light truck, as that term is defined in 49 C.F.R. § 523.5, at the time of its manufacture;

2. Has a capacity of nine or more persons but less than 16 persons, including the driver; and

3. Is engaged in the general transportation of persons for compensation and not operated on a regular schedule or over regular routes.

Sec. 15. *“Motor vehicle” has the meaning ascribed to it in NRS 706.096.*

Sec. 16. *“Taxicab” has the meaning ascribed to it in NRS 706.124.*

Sec. 17. *“Taximeter” has the meaning ascribed to it in NRS 706.8817.*

Sec. 18. *“Traditional limousine” means a motor vehicle that is engaged in the general transportation of persons for compensation and not operated on a regular schedule or over regular routes and:*

1. Was a passenger automobile, as that term is defined in 49 C.F.R. § 523.4, at the time of its manufacture and was later modified to increase its length; or

2. Has a capacity of less than nine persons, including the driver.

Sec. 19. *“Transportation services authority” means the transportation services authority created pursuant to NRS 706.1511.*

Sec. 20. *“Vehicle” has the meaning ascribed to it in NRS 706.146.*

Sec. 21. *1. A certificate holder may, as a condition of leasing a taxicab to an independent contractor, require the independent contractor to deposit money with the certificate holder in an amount sufficient to secure the return of the taxicab in good condition.*

2. If a certificate holder collects a security deposit pursuant to subsection 1, the certificate holder shall ensure that the security deposit is maintained in an account separate from the account in which the operating capital of the certificate holder is maintained.

3. A certificate holder may deduct or retain money from a security deposit to make repairs to the taxicab for which the deposit was collected. The certificate holder must account for money that the certificate holder deducts or retains from the security deposit of the independent contractor with receipts that evidence repairs to the taxicab in an amount equal to the money deducted or retained.

Sec. 22. *1. A certificate holder who enters into an agreement to lease a taxicab to an independent contractor shall provide a copy of the agreement to the independent contractor after the agreement has been approved by the transportation services authority pursuant to subsection 2 of NRS 706.473.*

2. The independent contractor shall keep a copy of the lease agreement in the taxicab that the independent contractor is leasing from the certificate holder at all times during the duration of the lease.

3. If the transportation services authority determines that a taxicab is being operated without a copy of the lease agreement in the taxicab in violation of this section, the transportation services authority will cause the taxicab to be withdrawn from service for a

minimum of 24 hours. A taxicab withdrawn from service pursuant to this subsection must not be placed back in service until the transportation services authority verifies that the certificate holder has furnished a lease agreement for that taxicab to the independent contractor.

Sec. 23. *1. In addition to the applicable requirements set forth in 49 C.F.R. §§ 391.51, 392.2, 392.4, 392.5, 392.9, 396.3(b)(2) and 49 C.F.R. Parts 390, 393 and 397, a certificate holder shall not allow an employee or independent contractor of the certificate holder to drive a taxicab, traditional limousine or livery limousine that the certificate holder is authorized to operate unless the employee or independent contractor:*

(a) Has held for at least 30 days a valid Nevada driver's license that shows the employee or independent contractor to be at least 21 years of age; and

(b) 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 taxicab, traditional limousine or livery limousine or the independent contractor begins to lease a taxicab from the certificate holder pursuant to NRS 706.473:

(1) A certificate from a licensed physician which is dated not more than 90 days before the date on which the employee becomes employed by the certificate holder as the driver of a taxicab, traditional limousine or livery limousine or the independent contractor begins to lease a taxicab from the certificate holder pursuant to NRS 706.473, which demonstrates that the employee or independent contractor 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 or independent contractor which is obtained from the department and which demonstrates that the employee or independent

contractor has not, within the 3 years immediately preceding the date on which the employee becomes employed by the certificate holder as the driver of a taxicab, traditional limousine or livery limousine or the independent contractor begins to lease a taxicab from the certificate holder pursuant to NRS 706.473:

(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 an accident; or

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

2. Each employee or independent contractor shall update annually the documents required pursuant to paragraph (b) of subsection 1 and submit the updated documents to the certificate holder.

3. A certificate holder shall retain a copy of each document that the employee or independent contractor submitted to the certificate holder pursuant to this section until 3 years after the employee's employment has terminated or the independent contractor's lease has expired.

Sec. 24. *1. Upon receipt from a certificate holder of the fee for the commencement of operation of a taxicab required pursuant to NRS 706.471, the transportation services authority will issue to the certificate holder a plate that identifies the taxicab for which the plate is issued. The transportation services authority will ensure that the plate is imprinted with a unique number preceded by the letters "TX."*

2. The certificate holder:

(a) Shall ensure that the plate is affixed to the right side of the trunk lid of the taxicab that the plate identifies; and

(b) Shall not allow a taxicab owned by the certificate holder to be operated unless the plate is affixed in the manner described in paragraph (a).

3. If the plate is lost or stolen, the certificate holder shall:

(a) Notify the transportation services authority of that fact; and

(b) Except as otherwise provided in this section, pay to the transportation services authority an amount equal to the annual fee prescribed in NAC 706.3615 for replacement of the plate. The transportation services authority will prorate the fee for a replacement plate if the plate is issued for less than a full calendar year.

4. If the transportation services authority determines that a taxicab is being operated without the plate required pursuant to this section, the transportation services authority will cause the taxicab to be withdrawn from service. The taxicab must not be placed back in service until the plate or a replacement plate has been obtained and affixed as required pursuant to subsection 2.

Sec. 25. *1. If the driver of a taxicab is the victim of a violent crime while on duty, the certificate holder who is authorized to operate the taxicab shall:*

(a) As soon as is reasonably practicable after becoming aware of the crime, notify all certificate holders authorized to operate taxicabs within the county in which the crime occurred regarding the commission of the crime, including all relevant details pertaining thereto; and

(b) Within 24 hours or on the next business day after becoming aware of the crime, whichever is sooner, notify the transportation services authority regarding the commission of the crime, including all relevant details pertaining thereto.

2. A certificate holder who receives notification of the commission of a violent crime pursuant to this section shall, as soon as is reasonably practicable thereafter, provide the information regarding the crime, including all relevant details pertaining thereto, to each:

(a) Dispatch operator employed by the certificate holder;

(b) Person employed by the certificate holder as the driver of a taxicab; and

(c) Person who leases a taxicab from the certificate holder pursuant to NRS 706.473.

Sec. 26. *If a taxicab is involved in an accident, the certificate holder who is authorized to operate the taxicab shall:*

1. Within 24 hours or on the next business day after becoming aware of the accident, whichever is sooner, notify the transportation services authority regarding the accident; and

2. Within 3 business days after the taxicab is placed back in service following the accident, make the taxicab available to the transportation services authority or a designee of the transportation services authority for inspection.

Sec. 27. *1. With respect to each taxicab that a certificate holder is authorized to operate, the certificate holder shall:*

(a) Equip the taxicab with a cruising light which has been approved by the transportation services authority, and which must be attached to the roof of the taxicab and illuminated during the hours of darkness. The cruising light is different than the emergency light described in section 31 of this regulation.

(b) Display the unit number of the taxicab on the sides of both front fenders and on the left side of the trunk lid of the taxicab. The unit numbers in these three locations must be displayed in plain view in:

(1) Bold block letters not less than 3 inches in height; and

(2) A color that contrasts with the color of the taxicab.

(c) Display within the taxicab in a location that is visible plainly to each passenger within the taxicab:

(1) The telephone number of the certificate holder; and

(2) The unit number of the taxicab.

(d) Display the number of the certificate of the certificate holder on both of the rear fenders of the taxicab, at a point that is midway between the top and bottom of the fender and closest to the rear of the taxicab. The number of the certificate must be displayed as "CPC N," followed immediately by the number.

2. With respect to a taxicab or fleet of taxicabs that a certificate holder is authorized to operate, the certificate holder shall obtain approval from the chairman or a person designated by the chairman for:

(a) The color scheme of the taxicab or fleet;

(b) The insignia displayed on the taxicab or fleet;

(c) The design of the cruising light on the taxicab or fleet; and

(d) The assignment of a unit designation number to each taxicab,

to ensure that those items do not conflict with those of another certificate holder.

3. *If the transportation services authority determines that a certificate holder has violated any provision of this section, the transportation services authority will cause the taxicab in regard to which the violation occurred to be withdrawn from service. A taxicab withdrawn from service pursuant to this subsection must not be placed back in service until the transportation services authority inspects the taxicab and verifies that the violation has been corrected.*

Sec. 28. *1. A certificate holder shall:*

(a) Establish and maintain a central dispatch facility which must be staffed and equipped in such a manner that the certificate holder or an employee thereof may, on a 24-hour basis, communicate with and dispatch the taxicabs that the certificate holder is authorized to operate; and

(b) Ensure that each taxicab which the certificate holder is authorized to operate is equipped with:

(1) A two-way radio; or

(2) A computer or other electronic device which the driver of the taxicab may use to communicate with the central dispatch facility.

2. *The two-way radio, computer or other electronic device required pursuant to subsection 1 must be turned on and audible whenever the taxicab is in service.*

3. *A certificate holder shall, within the limits of his certificate, provide reasonable service to persons who request by telephone that the certificate holder provide service to them.*

4. *If the transportation services authority determines that a certificate holder has violated any provision of this section, the transportation services authority:*

(a) Will cause the taxicab in regard to which the violation occurred to be withdrawn from service; and

(b) May impose upon the certificate holder an administrative fine pursuant to NRS 706.771.

A taxicab withdrawn from service pursuant to this subsection must not be placed back in service until the transportation services authority inspects the taxicab and verifies that the violation has been corrected.

Sec. 29. *1. A certificate holder shall equip each taxicab that the certificate holder is authorized to operate with an electronic taximeter. If the taximeter uses an "L.E.D" or "L.C.D." display, all phases of the "L.E.D" or "L.C.D." digits must work properly.*

2. The face of the taximeter must be of sufficient transparency and situated in such a location that the fare recording device can be read by any passenger in the taxicab and must not be obstructed. Numerals on the face of a taximeter must be displayed in a color that allows the numerals to be read from outside the taxicab.

3. A certificate holder shall equip each taxicab that the certificate holder is authorized to operate with at least one amber light which is located on the roof of the taxicab and is plainly visible. This light must connect to a contact switch attached to the taximeter and must illuminate automatically when the taximeter is not in operation. This light must operate independently from the cruising light described in section 27 of this regulation and is considered part of the taximeter.

4. In addition to the amber light described in subsection 3, each electronic taximeter must be connected to an amber light located in the rear window of the taxicab and the light must be visible through all windows of the taxicab. This light must be visible during the daylight from a

distance of 100 feet. This light must illuminate automatically when the taximeter is not in operation and is considered part of the taximeter.

5. If the transportation services authority determines that a certificate holder has failed to equip or maintain a taxicab as required pursuant to this section, the transportation services authority will:

(a) Cause the taxicab in regard to which the violation occurred to be withdrawn from service; and

(b) Impose upon the certificate holder an administrative fine pursuant to NRS 706.771. A taxicab withdrawn from service pursuant to this subsection must not be placed back in service until the transportation services authority inspects the taxicab and verifies that the violation has been corrected.

Sec. 30. *1. Except as otherwise provided in this subsection, a certificate holder shall require the driver of each taxicab that the certificate holder is authorized to operate to keep a daily trip sheet in a form prescribed by the transportation services authority. The daily trip sheet may be kept in a different form if the certificate holder submits the alternative form to the transportation services authority and the transportation services authority approves that form.*

2. A driver shall record on the trip sheet:

(a) At the beginning of each shift:

(1) His name;

(2) The unit number of his taxicab;

(3) The time at which the shift began; and

(4) The odometer reading of the taxicab.

(b) During each shift:

(1) The time, place of origin, requested destination and actual destination, if different from the requested destination, of each trip; and

(2) The number of passengers and amount of fare for each trip.

(c) At the end of each shift:

(1) The time at which his shift ended; and

(2) The odometer reading of the taxicab.

3. A certificate holder shall furnish a trip sheet form for each shift during which a taxicab is operated by a driver.

4. A driver who works for the certificate holder on commission or as an employee shall submit to the certificate holder a completed trip sheet at the end of each shift of that driver.

5. A driver who is an independent contractor shall submit to the certificate holder at the end of each week in which he worked at least one shift a completed trip sheet for each shift worked by that driver during that week.

6. A certificate holder shall retain each completed trip sheet until the end of the calendar year of the year immediately succeeding the year in which the trip sheet was completed. The certificate holder shall make such trip sheets available for inspection by the transportation services authority upon request.

7. If the transportation services authority determines that a taxicab is being operated without a trip sheet in violation of this section, the transportation services authority will cause the taxicab in regard to which the violation occurred to be withdrawn from service for a minimum of 24 hours. A taxicab withdrawn from service pursuant to this subsection must not

be placed back in service until the transportation services authority verifies that the certificate holder has furnished a trip sheet for that taxicab.

Sec. 31. *1. A certificate holder shall ensure that each taxicab which he is authorized to operate is equipped with:*

(a) A green light which can be activated to indicate that the driver of the taxicab requires assistance and which must be located on the roof of the taxicab; and

(b) A switch which can be used by the driver to activate the light described in paragraph (a) and which must not be visible to passengers riding in the taxicab.

2. If the transportation services authority determines that a certificate holder has failed to equip a taxicab as required pursuant to this section, the transportation services authority:

(a) Will cause the taxicab in regard to which the violation occurred to be withdrawn from service; and

(b) May impose upon the certificate holder an administrative fine pursuant to NRS 706.771. A taxicab withdrawn from service pursuant to this subsection must not be placed back in service until the transportation services authority inspects the taxicab and verifies that the violation has been corrected.

Sec. 32. *1. In addition to the requirements set forth in NAC 706.379, a certificate holder that is authorized to operate taxicabs between points and places within a county whose population is more than 100,000 but less than 400,000 shall ensure that each vehicle which the certificate holder places into service as a taxicab for the first time:*

(a) Is new; or

(b) Has been driven less than 50,000 miles.

2. *If a certificate holder places a new vehicle into service as a taxicab, the vehicle must not be used as a taxicab for more than 60 months after the date on which the vehicle was placed into service.*

3. *If a certificate holder places a vehicle that has been driven less than 50,000 miles into service as a taxicab for the first time, the vehicle must not be used as a taxicab for more than 48 months after the date on which the vehicle was placed into service.*

4. *Upon the receipt of a petition from a certificate holder, the transportation services authority may exempt from the requirements of this section up to 10 percent of the vehicles of the fleet of the certificate holder which are:*

(a) Restored theme or antique vehicles; or

(b) Manufactured in a foreign country and not used commonly within the United States in the business of transporting passengers for hire.

5. *If a certificate holder places into service as a taxicab a vehicle that has been granted an exemption pursuant to subsection 4, the certificate holder shall, within 30 days after each date on which the vehicle completes 150,000 miles of operation as a taxicab:*

(a) Replace or rebuild the engine of the vehicle;

(b) Inspect the brake drums of the vehicle and replace the brake drums if necessary; and

(c) Inspect the frame of the vehicle for cracks and bends that are not intended to be part of the frame.

6. *If the transportation services authority determines that a certificate holder has violated any provision of this section, the transportation services authority will:*

(a) Cause the taxicab in regard to which the violation occurred to be withdrawn from service; and

(b) Impose upon the certificate holder an administrative fine pursuant to NRS 706.771. A taxicab withdrawn from service pursuant to this subsection must not be placed back in service until the transportation services authority inspects the taxicab and verifies that the violation has been corrected.

Sec. 33. NAC 706.010 is hereby amended to read as follows:

706.010 As used in NAC [706.013] 706.010 to 706.395, inclusive, unless the context otherwise requires, the words and terms defined in [NRS 706.016 to 706.146, inclusive, and] NAC 706.013 to 706.119, inclusive, *and sections 2 to 20, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 34. NAC 706.022 is hereby amended to read as follows:

706.022 “Bus” means any motor vehicle with a capacity of [9] 16 or more persons, including the driver, designed, constructed and used for the transportation of passengers, their baggage and light express.

Sec. 35. NAC 706.036 is hereby amended to read as follows:

706.036 “Charter service by limousine” means the exclusive use of a *traditional limousine or livery* limousine for the transportation of passengers and their baggage under a single contract at an hourly rate [.] *for a minimum of 1 hour.*

Sec. 36. NAC 706.147 is hereby amended to read as follows:

706.147 1. The transportation services 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 effectively limits the provision of transportation to its customers.

(d) **[Transportation]** *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 the 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) **[Each customer's]** *Except as otherwise provided in this paragraph, each trip is between a place of business owned by the provider and one other point. 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.*

(f) 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.

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

(h) 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.

(i) 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 (h), or an affiliate of that person.

2. The transportation services 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. 37. NAC 706.152 is hereby amended to read as follows:

706.152 1. The burden of proof lies with the applicant to satisfy the transportation services authority of its financial ability to perpetuate a continuous service, as applied for, consistent with the public interest. The background of an applicant may be considered by the

transportation services authority before granting any privilege. In determining an applicant's financial ability, the transportation services authority may consider:

(a) Equity capital sufficient to acquire the necessary property and equipment, but not less than that required by NAC 706.149;

(b) The reasonableness of rates to be charged;

(c) The applicant's current ratio of assets to liability;

(d) The financial condition of the principals if the applicant is a partnership;

(e) The requirements for capital for the first 12 months of operations;

(f) The reasonableness of any estimates for the operation; and

(g) Any other evidence the transportation services authority deems relevant.

2. The transportation services authority will make an investigation before the issuance of a certificate or permit.

3. An application that does not comply with section 29 of **[this regulation]** *LCB File No. R071-98, which was adopted by the transportation services authority of the department of business and industry and was filed with the secretary of state on October 28, 1998*, may be dismissed by the transportation services authority without prejudice on the motion of a party to the proceeding. Such a motion must be in writing and filed before the commencement of any hearing on the application.

Sec. 38. NAC 706.155 is hereby amended to read as follows:

706.155 1. If an application for a certificate or permit is filed with the transportation services authority, notice will be given to the public so that any affected person will have an opportunity to state his position before the issuance of the certificate or permit.

2. If the transportation services authority:

(a) Receives a valid petition for leave to intervene; and

(b) Grants leave to intervene pursuant to section 75 of [*this regulation,*] *LCB File No.*

R071-98, which was adopted by the transportation services authority of the department of business and industry and was filed with the secretary of state on October 28, 1998,

a hearing will be held unless all petitioners withdraw before the time set for hearing, and the transportation services authority has sufficient information on which to establish that the applicant is financially fit and otherwise capable of providing safe transportation.

Sec. 39. NAC 706.170 is hereby amended to read as follows:

706.170 1. Common or contract motor carriers operating in intrastate commerce, when traversing the highways of this state, shall have the name of the person operating the vehicle firmly attached to each side of the unit having motive power in letters not less than 2 inches high in sharply contrasting colors which are legible from a distance of at least 50 feet.

2. Private carriers operating in intrastate commerce, when traversing the highways of this state, shall have the name of the person operating the vehicle firmly attached to each side of the unit having motive power in the manner, size and style prescribed in subsection 1, except single unit motor vehicles with an unladen weight of 10,000 pounds or less.

3. Except as otherwise provided in subsections 4 [*, 5 and 6,*] *and 5*, every common or contract motor carrier operating under the jurisdiction of the transportation services authority shall , *after March 1, 1999*, have the symbols [*“CPC A”*] *“CPC N”* and the number of his certificate, or the symbols “MV” and the number of his permit if he is operating under a

permit for a contract motor carrier, painted or affixed upon each side of the unit having motive power, in the manner, size and style prescribed in subsection 1.

4. If the name of the operator of a *traditional limousine or livery* limousine is exhibited on the vehicle by means of a symbol, printed sign or any other manner that is readily visible, the name is not required to be displayed as prescribed in subsection 1. The number of his certificate and symbols [“CPC A”] “CPC N” must be not less than 2 inches high and must be placed on either the rear bumper or at the rear of the vehicle.

5. [After July 1, 1990, all authorized carriers shall use the symbols “PSC #” and the number of his certificate or permit on any vehicle in service.

6.] A lessee operating a unit having motive power pursuant to a short-term or long-term lease shall have his name and number painted or affixed on the vehicle.

[7.] 6. Any removable sign or placard must be made of a durable material such as wood, plastic or metal. Each device must bear a serial number in the carrier’s own series and the carrier must keep a proper record of each number.

Sec. 40. NAC 706.192 is hereby amended to read as follows:

706.192 1. A common or contract motor carrier may apply to operate under a program of self-insurance in lieu of or in addition to the insurance required by NAC 706.191.

2. The application must include, without limitation, the following:

(a) A certificate of self-insurance issued by the department [of motor vehicles and public safety] pursuant to NRS 485.380.

(b) A letter requesting approval of the program of self-insurance and stating that the applicant understands the provisions of this section.

(c) A proposal setting forth the proposed surety and an explanation of how it corresponds to the requirements of NAC 706.191.

(d) A copy of the carrier's application to the department [of motor vehicles and public safety] for the certificate of self-insurance and a copy of all attachments accompanying the application.

(e) A letter from an adjusting company stating that it has agreed to handle any claims against the carrier if the program of self-insurance is approved by the transportation services authority.

(f) Any other information that the applicant considers relevant to the application or the transportation services authority may request.

3. A common or contract motor carrier may apply for self-insurance at the time of an application for a certificate, permit or license or at any time after the granting of a certificate, permit or license. If a carrier applies after the initial issuance of a certificate, permit or license, that carrier must maintain the insurance effective for that certificate, permit or license until the program of self-insurance is approved.

4. A common or contract motor carrier may combine a contract of insurance and another surety in proposing its guarantee. The carrier must arrange for an adjusting company to handle any claims that may arise under the surety.

5. Before the transportation services authority grants approval of a program of self-insurance, the common or contract motor carrier must satisfy the transportation services authority that the total surety proposed meets the minimum required pursuant to NAC 706.191.

6. The common or contract motor carrier shall, at all times, ensure that any change in its financial position or other circumstances does not jeopardize the surety or the protection of the public.

7. Exemption from the coverage of the insurance of materials and commodities having a low value may, upon specific application by a carrier, be authorized by the transportation services authority. An authorized carrier may apply for this exemption whether it is self-insured or otherwise meets the requirements of NAC 706.191.

Sec. 41. NAC 706.193 is hereby amended to read as follows:

706.193 1. Before a certificate or permit will be issued, the applicant shall:

(a) File with the transportation services authority evidence of the necessary insurance for each vehicle to be operated by the applicant on the form entitled “Bodily Injury and Property Damage (BI/PD) Form E,” and on the form entitled “Cargo Form H” when applicable;

(b) Satisfy the requirements of NAC 706.192 for self-insurance; or

(c) File with the transportation services authority a certificate of self-insurance obtained from the department [of motor vehicles and public safety] pursuant to NRS 485.380.

2. The forms required pursuant to paragraph (a) of subsection 1 are available from an insurance agent or from Uniform Printing and Supply Incorporated, 132 Flatbush Avenue, Kingston, New York 12401, or Kohnke Printing Company, 375 Fremont Street, San Francisco, California 94105.

3. After the transportation services authority issues a certificate pursuant to NRS 706.391 or a permit pursuant to NRS 706.431, the certificate holder or holder of the permit shall submit

any change in the information required pursuant to subsection 1 to the transportation services authority within 30 days after the change occurs.

Sec. 42. NAC 706.228 is hereby amended to read as follows:

706.228 1. A [**motor carrier who has been issued a**] certificate *holder* or his employee shall not solicit passengers.

2. A [**motor carrier**] *certificate holder* or his employee may:

(a) Answer questions posed by a potential passenger if the conversation is initiated by the potential passenger;

(b) Advertise on the side of a vehicle or on permanently located signs;

(c) Provide brochures in permanently mounted racks or stands;

(d) Establish booths in airports, hotels or other locations;

(e) Advertise in the media or through direct mailing; [**or**]

(f) Conduct any other marketing activity which has been determined not to be solicitation by the transportation services authority [**.**] ; *or*

(g) When engaged in the business of transferring persons from an airport, greet potential passengers using one of the following phrases:

(a) "May I help you?"

(b) "Good morning. "

(c) "Good afternoon. "

(d) "Good evening. "

3. *A certificate holder or his employee shall not stop, stand or park a traditional limousine or livery limousine within 50 feet of a designated taxicab stand unless the taxicab stand is located at an airport owned by a governmental entity.*

4. As used in this section, “solicit” includes, without limitation, inducing or attempting to induce persons by communication or other action to be transported. The term includes, without limitation:

(a) **[Initiating]** *Except as otherwise provided in subsection 2, initiating* conversation with potential passengers;

(b) Shouting information;

(c) Waving signs;

(d) Waving arms or hands;

(e) Flashing lights;

(f) Ringing bells;

(g) Blowing horns;

(h) Blocking access to other motor carriers; or

(i) Except as otherwise provided **[by]** *in* subsection 2, any other activity designed to attract passengers,

unless the passenger has arranged for the transportation by reservation or the driver is seeking a specific passenger who has requested that the driver’s vehicle be dispatched to the location.

Sec. 43. NAC 706.247 is hereby amended to read as follows:

706.247 1. The department and the transportation services authority hereby adopt by reference the regulations contained in 49 C.F.R. Parts 383, 387, 390 to 393, inclusive, 395 to

397, inclusive, and appendix G of 49 C.F.R. Ch. III, Subch. B, as those regulations exist on November 1, 1991, with the following exceptions:

(a) References to the Department of Transportation, the Federal Highway Administration and the Office of Motor Carrier Safety are amended to refer to the department and the transportation services authority.

(b) References to the Federal Highway Administrator and to the Director are amended to refer to the director of the department and the chairman . [of the transportation services authority.]

(c) Section 391.11(b)(l) applies only to drivers operating in interstate transportation and drivers of vehicles transporting passengers for hire or transportation of hazardous material of a type or quantity that requires the vehicle to be marked or placarded in accordance with 49 C.F.R. § 177.823.

(d) References to special agents in appendix B of 49 C.F.R. Ch. III, Subch. B are amended to include personnel of the department and the transportation services authority.

(e) The definition of “motor carrier” in 49 C.F.R. § 390.5 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.

(f) The definition of “commercial motor vehicle” in 49 C.F.R. § 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 15 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 the Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et seq.; or

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

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 or gross combination weight rating of 26,001 or more pounds; or

(c) Is owned or operated by a motor carrier subject to the jurisdiction of the transportation services authority, except that any vehicle so owned or operated is subject only to the provisions of 49 C.F.R. §§ 391.51, 392.2, 392.4, 392.5, 392.9 and 396.3(b)(2) and 49 C.F.R. Parts 390, 393 and 397 if the vehicle is not one described in paragraph (a) or (b) of this subsection.

2. To enforce these regulations, enforcement officers of the department and the transportation services 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.

3. The volume containing 49 C.F.R. Parts 325 to 399, inclusive, is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at the price of [~~\$43.~~] *\$46.*

Sec. 44. NAC 706.254 is hereby amended to read as follows:

706.254 The transportation services authority hereby adopts by reference Department of Defense Directive 3005.7, Emergency Requirements, Allocations, Priorities and Permits for Department of Defense Use of Domestic Civil Transportation. Department of Defense Directive 3005.7 is available from National Technical Information [~~],~~ *Service*, 5285 Port Royal Road, Springfield, VA 22161 [~~]~~, *at the price of \$15.*

Sec. 45. NAC 706.278 is hereby amended to read as follows:

706.278 1. The transportation services authority hereby adopts by reference the regulations contained in 49 C.F.R. Part 27, Subparts A and C, as those regulations existed on October 1, 1989.

2. A common motor carrier that receives money from the Urban Mass Transportation Administration shall comply with the regulations set forth in 49 C.F.R. Part 27, Subparts A and C, if any provision of the regulations applies to the operation of the motor carrier in Nevada.

3. [~~A copy of 49 C.F.R. Part 27, Subparts A and C, may be obtained from the office of the transportation services authority at the price of \$7.75.~~] The volume containing Subparts A and C is available from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402, (202) 783-3238, at the price of \$31.

Sec. 46. NAC 706.311 is hereby amended to read as follows:

706.311 1. Except as otherwise provided in NRS 706.351, an authorized carrier shall not:

(a) Charge, demand, collect or receive a greater, lesser or different compensation for the transportation of persons or property or for any service in connection therewith than the rates, fares or charges applicable to the transportation as specified in its tariffs filed and in effect at the time.

(b) Refund or remit in any manner or by any device any portion of the rates, fares or charges so specified except upon orders of the courts or transportation services authority, nor extend to the shipper or person any privilege or facility in the transportation of passengers or property except as specified in the tariffs.

(c) Submit a bid to provide services in any form or manner which is not in conformance with the certificate he holds.

(d) Use any artifice or subterfuge, or billing or accounting practice in lieu of an authorized commission. The fare or rate charged to the passenger or shipper may not be greater than or different from the fare or rate specified in the tariffs in effect at the time because of the authorized commission.

2. An authorized carrier may pay a commission or referral fee to an agent who arranges for the provision of transportation services by the carrier. A commission or referral fee authorized pursuant to this subsection must not exceed 10 percent of the rate, fare or charge specified in the carrier's tariffs for the type of service that the agent has arranged for the carrier to provide.

3. An agent arranging or providing transportation on the vehicles of any certificated motor carrier shall not charge, demand, collect or receive a greater, lesser or different compensation for the transportation of persons or property or any service in connection therewith than the rates, fares or charges specified in the motor carrier's tariffs.

[3.] 4. All tickets issued by a carrier or its agent must identify the charge to the passenger for the service or transportation purchased. That charge may not be different from the tariff on file with the transportation services authority.

Sec. 47. NAC 706.345 is hereby amended to read as follows:

706.345 1. A common motor carrier authorized to conduct scenic tours shall file with the transportation services authority a tariff showing both per capita fares and hourly rates for each tour offered.

2. A common motor carrier authorized to conduct scenic tours who uses *traditional limousines or livery* limousines is not required to file tariffs showing hourly rates.

3. A common motor carrier authorized to conduct scenic tours shall not render the service until an order has been prepared by the carrier stating:

- (a) The name of the person or group who contracted for the service;
- (b) The date and time when the service is to be rendered;
- (c) The route to be traversed; and
- (d) The points of interest to be visited.

4. A copy of the order must be carried on the bus for inspection during the period of the service and maintained in the files of the carrier for 3 years.

Sec. 48. NAC 706.353 is hereby amended to read as follows:

706.353 1. Only a common motor carrier authorized to provide charter service shall provide such service, but no such service shall be provided until a charter order is prepared.

2. Except as otherwise provided in subsection 3, a charter service 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 may be operated over the same routes or to the same points in the form of a shuttle service . **[for not more than 14 consecutive days.]**

Sec. 49. NAC 706.3613 is hereby amended to read as follows:

706.3613 **[The]** *Except as otherwise provided in section 32 of this regulation, the provisions of NAC [706.3615 to 706.3757,] 706.3613 to 706.3753, inclusive, and sections 21 to 32, inclusive, of this regulation* apply to any county for whom regulation by the taxicab authority is not required pursuant to NRS 706.881.

Sec. 50. NAC 706.365 is hereby amended to read as follows:

706.365 1. A person may not be denied service by a taxicab merely because he desires transportation in a direction other than that in which the driver desires to operate or to a destination different from that desired by the driver. *A driver may refuse to transport a person if:*

(a) The person refuses to state with specificity his intended destination or requests a change of destination to an inexact location;

(b) The person acts in a disorderly manner, which includes, without limitation, the use of:

(1) Hostile or offensive gestures; or

(2) Indecent or offensive language;

(c) The driver has a reasonable suspicion that the person is concealing a weapon or other dangerous object under his clothing; or

(d) The person requests a destination that is outside of the area within which the driver is able to communicate with the central dispatch facility described in section 28 of this regulation.

2. No person other than the driver may be allowed within any taxicab unless that person is a passenger who is actually being transported and is paying a fare [.] , *unless that person is another taxicab driver being transported to or from his shift as a taxicab driver.*

3. Passengers in a taxicab must have the exclusive use of the vehicle while being transported.

4. A driver shall not, while traveling to the destination of a passenger, take a route that is longer than necessary, unless such a route is requested by the passenger.

Sec. 51. NAC 706.368 is hereby amended to read as follows:

706.368 A *certificate* holder [~~of a certificate to operate a taxicab~~] shall not direct any driver to serve any specific area different from the territory authorized under that certificate and for which a tariff has been filed with and approved by the transportation services authority.

Sec. 52. NAC 706.371 is hereby amended to read as follows:

706.371 1. Except [~~otherwise~~] as *otherwise* provided in NAC 706.208 and 706.375, a taxicab must be registered in the name of the *certificate* holder . [~~of the certificate.~~] The holder may not enter into any agreement, lease or arrangement for the payment of a commission if he does not have full and complete control of the vehicle at all times.

2. A *certificate* holder [~~of a certificate for a taxicab~~] shall not:

(a) Sell, contract to sell or mortgage a taxicab to another person;

(b) Lease a taxicab to another person unless the lease agreement conforms to the provisions of NRS 706.473 and NAC 706.3753 ; **[and 706.3755;]** or

(c) Lease a motor vehicle to a driver for use as a taxicab.

3. Every driver of a taxicab must be:

(a) **[The holder of a certificate;]** *A certificate holder;*

(b) The employee of a *certificate* holder ; **[of a certificate;]** or

(c) An independent contractor who has entered into a lease agreement *with a certificate holder* pursuant to NRS 706.473.

Sec. 53. NAC 706.374 is hereby amended to read as follows:

706.374 No **[holder of a]** certificate *holder* and no employee of the *certificate* holder may at any time solicit persons waiting at bus stops.

Sec. 54. NAC 706.375 is hereby amended to read as follows:

706.375 1. A common motor carrier authorized to operate a taxicab or *traditional limousine or livery* limousine shall not lease any vehicle which it uses as a taxicab or *traditional limousine or livery* limousine without prior approval by the **[transportation services authority.]** *chairman or a person designated by the chairman.*

2. The lease will be approved by the **[transportation services authority]** *chairman or a person designated by the chairman* if:

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

(b) The vehicle will be used only in an operation authorized by the lessee's certificate;

(c) Not more than one-half of the carrier's vehicles are leased vehicles; **[and]**

(d) The driver of the leased vehicle is an employee of the motor carrier and has no interest as an owner in the vehicle [.] ; *and*

(e) The carrier is able to demonstrate to the satisfaction of the chairman or the person designated by the chairman that the carrier needs to increase the size of its fleet on a temporary basis, 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 the permanent fleet of the carrier.

The chairman or the person designated by the chairman shall approve or disapprove the lease within 10 working days after receiving a copy of the lease from the motor carrier.

3. A copy of the lease must be carried in the vehicle during the period of the lease.

4. The carrier shall not lease vehicles on more than 45 days in any calendar year.

5. The provisions of this section do not apply to a lease agreement entered into pursuant to NRS 706.473.

6. If the chairman or a person designated by the chairman grants to a common motor carrier approval to lease a traditional limousine or livery limousine pursuant to this section, such approval does not relieve the carrier of the obligation to comply with any other laws that otherwise apply with respect to the operation of a traditional limousine or livery limousine.

Sec. 55. NAC 706.3753 is hereby amended to read as follows:

706.3753 1. Each lease agreement entered into by a *certificate* holder [of a certificate to operate a taxicab] and an independent contractor pursuant to NRS 706.473 must:

(a) Be maintained by the *certificate* holder . [of the certificate.]

(b) Be in writing and in a form approved by the transportation services authority.

(c) Identify the use to be made of the taxicab by the independent contractor and the consideration to be received by the *certificate* holder . [of the certificate.] The use to be made of the taxicab must conform to the authority granted by the certificate to operate the taxicab.

(d) Be signed by each party, or his representative, to the agreement.

(e) Specifically state that the independent contractor is subject to all laws and regulations relating to the operation of a taxicab which have been established by the transportation services authority and other regulatory agencies and that a violation of those laws and regulations will breach the agreement.

(f) Specifically state that the *certificate* holder [of the certificate] is responsible for maintaining:

(1) All required insurance associated with the taxicab and the service which is the subject of the agreement in accordance with NAC 706.191;

(2) A file which contains the qualifications of the independent contractor to drive the taxicab; and

(3) A file for records concerning the maintenance of the taxicab.

(g) Specifically state that the lease agreement does not relieve the *certificate* holder [of the certificate] from any of his duties or responsibilities set forth in this chapter and chapter 706 of NRS.

(h) Specifically state that the taxicab provided pursuant to the lease agreement:

(1) Will be painted with the name, insignia and certificate number of the *certificate* holder ; [of the certificate;] and

(2) Is in a good mechanical condition that will meet the requirements for operating taxicabs set forth by this state or the county or municipality in which the taxicab will be operated.

(i) *Specifically state that the independent contractor shall not transfer, assign, sub-lease or otherwise enter into an agreement to lease the taxicab to another person.*

(j) *Specifically state that the independent contractor:*

(1) *Shall not operate the taxicab for more than 12 hours in any 24-hour period; and*

(2) *Shall return the taxicab to the certificate holder at the end of each shift to enable the certificate holder to comply with the provisions of NAC 706.380.*

(k) Contain any other provision which the transportation services authority may determine to be necessary for the protection of the health and safety of members of the public.

2. **[The]** *If the transportation services authority has reason to believe that a provision of this section is being violated, the transportation services authority may, [for good cause and]* after a hearing **[, revoke]** :

(a) *Impose an administrative fine pursuant to NRS 706.771;*

(b) *Order the certificate holder or the independent contractor to cease and desist from action taken in violation of this section; or*

(c) *Revoke* or suspend the authority of **[a holder of a]** *the certificate holder* to operate a taxicab to enter into a lease agreement pursuant to NRS 706.473.

Sec. 56. 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, 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. [Each] *Except as otherwise provided in this section, each* vehicle must be maintained in conformance with the following standards:

(a) The [steering mechanism must be in good mechanical condition. If, upon inspection, any loose knuckles, bolts or gear trains are found, the vehicle must be taken out of service until the necessary repairs are completed.

(b) All hinges and latches on doors must be in good mechanical condition and must operate freely and close securely.

(c) Any interior exterior advertising must not obscure the driver's view in any direction.

(d) All windows must be clear and free from cracks or chips in excess of 3 inches in length. Damaged glass must be replaced within 7 days after discovery of the damage.

(e) The brakes must be in good mechanical condition.

(f) The system for exhaust, including, without limitation, gaskets, tailpipes and mufflers must be in good condition and fumes must not penetrate into the interior of the vehicle.

(g) The speedometer must be maintained in good condition and exposed to view.

(h) The interior of the vehicle must be clean and free from torn upholstery, damaged or broken seats and other broken features.

(i) The head lamps, tail lamps, stop lamps and turn signals must be in working condition and the head lamps properly aligned.

(j) The horn and windshield wipers must be in good working condition.

(k) The taximeter, where applicable, must be connected and working properly, have its covers and gears intact and conform to a tolerance of plus or minus two percent on the device for recording fares.

3.] *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 that is placed into service after March 1, 1999, must be equipped with:

(a) A lock on each door of the taxicab that may be operated remotely by the driver of the taxicab 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 from inside the trunk.

5. In addition to the standards set forth in subsections 2, 3 and 4, each traditional limousine and livery limousine 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, as appropriate, if the manufacturer makes such certifications; and

(b) Must have been modified for use as a traditional limousine or livery limousine, 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 transportation services 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 [subsection 2,] 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 [subsection 2.] subsections 2 to 5, inclusive. If the vehicle does not conform to the standards prescribed in [subsection 2] 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 [subsection 2] *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. 57. 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 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. 58. NAC 706.381 is hereby amended to read as follows:

706.381 1. A taxicab, *traditional limousine, livery* limousine or bus of a common or contract motor carrier may be inspected at any time during business hours by an authorized employee of the transportation services authority.

2. If the authorized employee of the transportation services authority finds that a vehicle is in a condition which violates any provision of [subsection 2] *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 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 transportation services authority finds that a vehicle is in a condition which violates any provision of [subsection 2] *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 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 transportation services authority on a form provided by a representative of the transportation services 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 and other matters relevant to his performance and his record of training. These

records must be maintained and made available for inspection by the transportation services authority pursuant to NAC 706.203.

Sec. 59. NAC 706.386 is hereby amended to read as follows:

706.386 The transportation services authority will consider a transfer of operating rights to a person who is the holder of operating rights which duplicate , in part or in whole, those to be transferred, but **[in no case]** will *not allow* a person **[be allowed]** to hold duplicate authority over the same routes, in the same territory or for the transportation of identical commodities **[.]** *unless the transportation services authority determines that such duplication is in the public interest.*

Sec. 60. NAC 706.079, 706.190, 706.3755 and 706.3757 are hereby repealed.

Sec. 61. 1. This section and sections 1 to 26, inclusive, 30, 33 to 49, inclusive, and 51 to 60, inclusive, of this regulation become effective upon filing with the secretary of state.

2. Section 32 of this regulation becomes effective on March 1, 1999.

3. Sections 28, 29 and 50 of this regulation become effective on May 1, 1999.

4. Sections 27 and 31 of this regulation become effective on August 1, 1999.

TEXT OF REPEALED SECTIONS

706.079 “Limousine” defined. “Limousine” means every motor vehicle, except a taxicab, which has a capacity of less than nine persons, including the driver, engaged in the general transportation of persons for compensation and not operated on a regular schedule or over regular routes.

706.190 Surety bonds. Every common or contract motor carrier who collects the purchase price of goods sold by the shipper to the consignee shall file with the commission a surety bond in the amount of \$1,000.

706.3755 Leasing of taxicab to independent contractor: Lease of same taxicab to more than one independent contractor. A holder of a certificate to operate a taxicab may enter into a lease agreement to lease the same taxicab to more than one independent contractor if the parties to each lease agreement approve of such an arrangement.

706.3757 Leasing of taxicab to independent contractor: Penalties. If the commission has reason to believe that any provision of NAC 706.3753 or 706.3755 is being violated, the commission may, after a hearing:

1. Impose an administrative fine pursuant to NRS 706.771; or

2. Order the holder of the certificate to operate a taxicab or the independent contractor to cease and desist from any action taken in violation of NAC 706.3753 or 706.3755.