

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

LCB File No. R078-98

August 26, 1998

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

AUTHORITY: §§2, 3, 4, 6-13, 15-19, 24, 27, 29, 30, 33 and 117, NRS 706.171; §§5, 14, 20, 21, 22, 95 and 96, NRS 706.171 and 706.475; §§23, 25, 26, 28, 31, 32, 98 and 99, NRS 706.171 and 706.173; §§34-94, 97 and 100-116, NRS 706.171 and §347 of chapter 482, Statutes of Nevada 1997, at page 2024.

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. *As used in NAC 706.3613 to 706.3757, inclusive, and sections 5, 14 and 20 to 32, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 5 and 14 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Advertise” or “advertising” has the meaning ascribed to it in NRS 706.013.*

Sec. 4. *“Broker” has the meaning ascribed to it in NRS 706.021.*

Sec. 5. *“Certificate holder” means a person who holds a current certificate of public convenience and necessity to operate a taxicab business.*

Sec. 6. *“Chairman” means the person designated as the chairman of the transportation services authority pursuant to NRS 706.1512.*

Sec. 7. *“City” has the meaning ascribed to it in NRS 706.026.*

Sec. 8. *“Common motor carrier” has the meaning ascribed to it in NRS 706.036.*

- Sec. 9. *“Contract motor carrier” has the meaning ascribed to it in NRS 706.051.*
- Sec. 10. *“Department” has the meaning ascribed to it in NRS 706.061.*
- Sec. 11. *“Fully regulated carrier” has the meaning ascribed to it in NRS 706.072.*
- Sec. 12. *“Hazardous material” has the meaning ascribed to it in NRS 706.074.*
- Sec. 13. *“Highway” has the meaning ascribed to it in NRS 706.081.*
- Sec. 14. *“Independent contractor” means a person who leases a taxicab from a certificate holder pursuant to NRS 706.473.*
- 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. *“Transportation services authority” means the transportation services authority created pursuant to NRS 706.1511.*
- Sec. 19. *“Vehicle” has the meaning ascribed to it in NRS 706.146.*
- Sec. 20. *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. 21. *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.

Sec. 22. *A certificate holder in a county whose population is 100,000 or more but less than 400,000 shall not lease to independent contractors more than 75 percent of the taxicabs in the fleet of the certificate holder at any time.*

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 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 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 or the independent contractor begins to lease a taxicab from the certificate holder pursuant to NRS 706.473, that demonstrates 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 3 years before the date on which the employee becomes employed by the certificate holder as the driver of a taxicab 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; or

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

2. Each employee or independent contractor shall, on an annual basis, update 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 for 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 rear portion 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 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 6 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 as to allow the certificate holder or an employee thereof to, 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 taxicab operated by a driver during his shift.*

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 trip sheet for 3 years immediately succeeding December 31 of the year to which the trip sheets respectively pertain. 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 3, 4, 6 to 13, inclusive, and 15 to 19, inclusive, of this regulation*, have the meanings ascribed to them in those sections.

Sec. 34. NAC 706.019 is hereby amended to read as follows:

706.019 “Authorized carrier” means a person authorized by the [commission] *transportation services authority* to engage in the intrastate transportation of property or passengers as a common or contract motor carrier.

Sec. 35. NAC 706.030 is hereby amended to read as follows:

706.030 “Certificate” means a certificate of public convenience and necessity issued by the [commission.] *transportation services authority*.

Sec. 36. NAC 706.105 is hereby amended to read as follows:

706.105 “Regular route” means a fixed route between specific points served according to a schedule authorized by the [commission.] *transportation services authority*.

Sec. 37. NAC 706.143 is hereby amended to read as follows:

706.143 [Every] A private carrier who is engaged in the transportation by motor vehicle of property sold, or to be sold, or used in furtherance of a private commercial enterprise, and who does not haul any property for hire, *when* applying for the [commission’s] approval *of the transportation services authority* for licensing must provide the [commission] *transportation services authority* with an affidavit of private carriage before a license will be approved . [by the commission.]

Sec. 38. NAC 706.145 is hereby amended to read as follows:

706.145 In determining whether a person is a private motor carrier, the [commission] *transportation services authority* will consider the following:

1. The ownership or bailment of the property transported.
2. A preexisting order of the customer or shipper.
3. The extent of the intermediate use of a warehouse.
4. The difference between the price charged the carrier and the carrier’s charge to the customer, and whether it appears that this difference is roughly equivalent to a charge for transportation.
5. The extent of the carrier’s transportation for other persons.

6. The nature of any advertising used.
7. The extent of the carrier's investment in facilities and equipment for transportation.
8. The control exerted by the shipper over the transportation.
9. The burden assumed by the shipper for the costs of the transportation.
10. The status of the transportation as incidental to a business or as a secondary business.
11. The nature and extent to which the carrier uses the highways of the state.

Sec. 39. NAC 706.147 is hereby amended to read as follows:

706.147 1. The [commission] *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 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.
- (e) Each [customer's] trip is between a place of business owned by the provider and one other point.

(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 registered to:

(1) The provider at the provider's place of business; or

(2) A certificated motor carrier.

(i) The driver is employed by the entity to whom the vehicle used to provide the free shuttle service is registered.

2. The [commission] *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.

Sec. 40. NAC 706.149 is hereby amended to read as follows:

706.149 1. After receiving a certificate or permit, every common or contract motor carrier shall maintain an investment of not less than 20 percent equity capital in his operations and include proof that he meets this requirement in his annual report filed with the [commission.] *transportation services authority*.

2. A carrier who does not meet the requirement of subsection 1 shall, within 3 months after receiving notice from the [commission] *transportation services authority* of that failure, file a plan proposing the specific steps he will take to meet that requirement within the next 12 months.

3. Within 15 months after receiving notice from the [commission] *transportation services authority* that he does not maintain adequate equity capital, a carrier must have an investment of not less than 20 percent equity capital in his operations.

4. The certificate or permit of a motor carrier who does not comply with this section may be revoked by the [commission.] *transportation services authority*.

Sec. 41. NAC 706.152 is hereby amended to read as follows:

706.152 1. The burden of proof lies with the applicant to satisfy the [commission] *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 [commission] *transportation services authority* before granting any privilege. In determining an applicant's financial ability, the [commission] *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 [commission] *transportation services authority* deems relevant.

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

3. An application that does not comply with NAC 703.165 may be dismissed by the [commission] *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. 42. 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 [commission, notice will be given] *transportation services authority*, *the transportation services authority will give notice* to the public [in order] *so* that any affected person will have an opportunity to state his position before the issuance of the certificate or permit.

2. If the [commission receives] *transportation services authority*:

(a) *Receives* a valid petition for leave to intervene [.] ; *and*

(b) *Grants leave to intervene*,

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

Sec. 43. NAC 706.164 is hereby amended to read as follows:

706.164 1. Unless otherwise authorized by the [commission,] *transportation services authority*, each applicant for a certificate or a permit, or the transfer of a certificate or permit, whose application has been granted, [shall] *must* commence operations within 30 days [from] *after* the date on which the certificate or permit was issued, or forfeits the rights granted.

2. No applicant may start operating until he has complied with all requirements of the law and the regulations of the [commission,] *transportation services authority*, unless otherwise ordered by the [commission.] *transportation services authority*.

Sec. 44. NAC 706.167 is hereby amended to read as follows:

706.167 No carrier may use [any] *a* trade name or [any] *a* fictitious name unless the name is authorized for the carrier's use by order of the [commission.] *transportation services authority*.

Sec. 45. 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 [authority] *jurisdiction* of the [commission] *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 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. 46. 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 [commission.] *transportation services authority.*

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

3. A common or contract motor carrier may apply for self-insurance at the time of [its] *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 [shall] *must* maintain the insurance effective for that certificate, permit or license until [its] *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 [commission] *transportation services authority* grants approval of a program of self-insurance, the common or contract motor carrier must satisfy the [commission] *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 [commission.] *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. 47. 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 [commission] *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 [commission] *transportation services authority* a certificate of self-insurance obtained from the department [of motor vehicles and public safety] pursuant to NRS [706.3054 or 706.3056.] *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 [Company, P.O. Box 820,] *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 holder of the certificate or 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. 48. NAC 706.194 is hereby amended to read as follows:

706.194 No driver, agent [,] or representative of a carrier may interfere with, refuse, deny or hinder the [commission] *transportation services authority* or its appointed representatives from making any inspection, investigation or examination of any carrier's vehicle, record or documents.

Sec. 49. NAC 706.197 is hereby amended to read as follows:

706.197 Any bid to provide service as a contract motor carrier must state that the person submitting the bid is authorized by the [commission] *transportation services authority* to provide that service or, if he is not so authorized, that the submission of the bid is conditioned upon the granting of that authority by the [commission.] *transportation services authority*.

Sec. 50. NAC 706.200 is hereby amended to read as follows:

706.200 1. Every common or contract motor carrier shall submit a bill of charges for his services to a customer within 30 days after the rendition of services.

2. A carrier shall require all accounts to be paid in full within 45 days after the rendition of services unless another period is approved by the [commission] *transportation services authority* in the carrier's tariff.

3. A carrier shall not submit more than one bill of charges to a customer for the same services without making a reference to the first bill on any subsequent bill.

Sec. 51. NAC 706.203 is hereby amended to read as follows:

706.203 1. An authorized carrier operating motor vehicles within this state shall maintain a centralized accounting system and the records required by the [commission] *transportation services authority* in a designated headquarters.

2. All records required to be maintained by the [commission] *transportation services authority* must be maintained by the authorized carrier for at least 3 years and are subject to inspection or audit by the [commission] *transportation services authority* or its designated agent at any time during the business hours of the day.

Sec. 52. NAC 706.206 is hereby amended to read as follows:

706.206 1. All common and contract carriers operating within this state under the jurisdiction of the [commission] *transportation services authority* shall notify the [commission] *transportation services authority* of any changes in address, officers of the corporation, or an intended sale, transfer, lease or discontinuance of operations under *the* authority granted them in their certificate or permit.

2. Any carrier, before the purchase or sale of the corporate control, must have the prior approval of the [commission.] *transportation services authority*.

Sec. 53. NAC 706.208 is hereby amended to read as follows:

706.208 1. Except as otherwise provided in subsection 2 and NAC 706.375, an authorized carrier may lease equipment for his own use, with or without a driver, on the basis of a long-term lease.

2. An authorized carrier may lease for his own use, with or without a driver, on the basis of a short-term lease:

(a) A dump truck for use in a construction project, on an hourly or daily basis, for not more than 48 hours.

(b) A bus from an authorized carrier, on an hourly basis, for not more than 48 hours.

(c) Any equipment which is not specified in paragraphs (a) and (b) of this subsection, from an authorized carrier.

3. An authorized carrier who operates a bus pursuant to paragraph (b) of subsection 2:

(a) May use his own insurance or that of the lessor to meet the insurance requirements of NAC 706.191.

(b) Must have a copy of the lease on file at his office within 48 hours after the commencement of the lease.

4. Except for carriers operating pursuant to paragraph (b) of subsection 2, leased equipment may only be used in an operation authorized by the lessee's certificate or permit and must be identified as operated by the lessee. A copy of the lease must be carried with the equipment during the period of the lease.

5. Work may not be performed pursuant to an expired lease.

6. An authorized carrier may lease restored theme or antique vehicles without complying with the requirements of subsection 2 if the [commission] *transportation services authority* approves the lease before its commencement. The [commission] *transportation services authority* will approve the lease if:

(a) The leased vehicle is used only for special occasions; and

(b) Arrangements to lease the vehicle are made at least 7 days before the commencement of the lease.

7. Every lease of equipment by an authorized carrier must be in writing, dated and signed by the parties thereto or an authorized agent or employee of the parties.

8. The leased equipment must be under the control and direction of the authorized carrier.

9. The leased equipment must be operated within the scope of the authorized carrier's authority and in conformance with the authorized carrier's tariff.

10. The driver of a leased vehicle must be under the complete control and direction of the authorized carrier. The authorized carrier must be free to enforce rules regarding working and driving.

11. The authorized carrier may not avoid liability for any damages arising out of the negligent operation of the equipment through the terms of the lease.

12. The terms of any lease of equipment pursuant to this section must include , *without limitation*, a provision that the equipment must be insured in accordance with the provisions of NAC 706.191. A lessee may use his insurance or the lessor's insurance to satisfy the requirements of NAC 706.191.

13. The compensation to be paid for any leased equipment must be fixed at the inception of the lease and may:

(a) Include a specific sum or formula for calculating the compensation for the duration of the lease; or

(b) Be based on a division or percentage of the applicable rate for the transportation of a commodity in the equipment during the period of the lease.

14. A vehicle leased pursuant to this section must be identified in accordance with NAC 706.170 as operated by the lessee.

Sec. 54. NAC 706.209 is hereby amended to read as follows:

706.209 1. An authorized carrier of property or passengers may lease equipment on a one-for-one basis to supplement its fleet up to the entire amount of similar equipment owned and currently operated by the carrier under its certificate or permit. Equipment that is owned by the carrier and used in the services of intrastate transportation in this state must be used to determine what constitutes similar equipment.

2. An authorized carrier shall not lease any kind of equipment to provide transportation if the carrier does not currently own similar equipment.

3. The [commission] *transportation services authority* may approve the lease of equipment in a manner that does not comply with the requirements of subsections 1 and 2 if:

- (a) The authorized carrier files a petition for waiver of those requirements; and
- (b) The lease is found to be in the public interest.

The [commission] *transportation services authority* will issue a public notice of the receipt of such a petition.

4. For the purposes of this section, equipment leased pursuant to a bona fide capital lease, as defined by generally accepted accounting principles, shall be deemed equipment owned by the authorized carrier. The provisions of this section do not apply to such leases.

5. As used in this section, “similar equipment” means equipment designed and used to transport:

- (a) Cargo of the same specific class of commodities; or
- (b) Passengers in the same type of motor vehicle.

Sec. 55. NAC 706.212 is hereby amended to read as follows:

706.212 1. Common and contract carriers authorized by the [commission] *transportation services authority* shall not rent or lease vehicles to a shipper or consignee, with or without drivers.

2. An authorized carrier shall not lease or rent to any person its authority to engage in the intrastate transportation of property or passengers. An authorized carrier is responsible for and shall monitor its daily operation.

3. An authorized carrier shall not authorize any person to sell its transportation services other than:

(a) Its employees; or

(b) A person who manages its business [under] *pursuant to* an agreement entered into pursuant to NAC 706.250.

Sec. 56. NAC 706.218 is hereby amended to read as follows:

706.218 1. Every common or contract motor carrier shall keep an accurate record [his] *of the* revenues from *his* operations in this state, operating and other expenses and other required information and include such information in its annual report covering the yearly period fixed by the [commission,] *transportation services authority*, unless otherwise provided by law. The [commission] *transportation services authority* will prescribe the character of the information to be embodied in the annual report and furnish a blank form for the report.

2. Every common or contract motor carrier shall keep and render to the [commission,] *transportation services authority*, in the manner, form and detail prescribed by the [commission,] *transportation services authority*, uniform and detailed accounts of all business transacted.

3. The accounts of every common or contract motor carrier must be closed annually on the basis of either a calendar or fiscal year and the annual report must be filed not later than April 15 for reports based on a calendar year or not later than 105 days after the end of the fiscal year for reports based on a fiscal year.

4. The [commission] *transportation services authority* will call for information omitted from reports or not provided for therein, when in its judgment additional information is necessary.

Sec. 57. NAC 706.221 is hereby amended to read as follows:

706.221 Each bus operated over a regular route or between fixed destinations must have attached to the front of the bus a sign with letters or figures not less than 3 inches in height designating the destination of the vehicle or service provided by the vehicle, unless otherwise ordered by the [commission.] *transportation services authority*. The sign may not be attached to the windshield of the bus.

Sec. 58. NAC 706.224 is hereby amended to read as follows:

706.224 No vehicle to which the provisions of this section are applicable may be operated on any time schedule other than that approved by the [commission.] *transportation services authority*. Nothing contained in this section may be construed to prohibit the operation, in addition to the service described in the schedule in effect at the time, of special or extra trips over the route, or any part thereof, during rush hours or other extraordinary circumstances to care for additional business occasioned by an unusual condition.

Sec. 59. NAC 706.227 is hereby amended to read as follows:

706.227 The [commission] *transportation services authority* reserves the right after investigation and hearing to arrange or rearrange schedules so as to prevent congestion and competition which is injurious to public welfare or to make connections with other transportation agencies. The schedule changes will be made by first giving 10 days' notice to the carrier affected.

Sec. 60. NAC 706.228 is hereby amended to read as follows:

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

2. A motor carrier 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 [commission.] *transportation services authority*.

3. 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 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 [permitted by] *provided 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. 61. NAC 706.232 is hereby amended to read as follows:

706.232 A contract motor carrier shall not:

1. Operate between fixed terminals, provide service over a regular route or operate over the same route or to the same points so frequently as to constitute a regularly scheduled route or service, unless approved by the [commission;] *transportation services authority;*
2. Operate in such a manner that would interfere with the operation of a common motor carrier;
3. Conduct any operation as a common motor carrier; or
4. Except as otherwise provided in NAC 706.274, provide transportation pursuant to more than five contracts or for more than five shippers. Neither the total number of contracts nor the total number of shippers may exceed five.

Sec. 62. NAC 706.239 is hereby amended to read as follows:

706.239 1. Special services may be provided only by a common motor carrier authorized to provide such service, in connection with a special event, occasion or other purpose for which the carrier or a person on his behalf intends to provide transportation on the basis of individual fares. The rate for special services may include charges for items in addition to transportation, such as fees for admission, but the portion attributable to transportation must be specifically designated as such in the filed tariff.

2. A common motor carrier authorized to provide special services shall file with the [commission] *transportation services authority* a tariff showing the per capita fares, minimum number of persons required for special services and the particular geographical points of origin and destination.

3. A common motor carrier offering special services shall not render the service until a report has been prepared by the carrier, stating:

- (a) The point of origin;
- (b) The destination;
- (c) The route or routes to be traversed;
- (d) The approximate mileage to be traveled;
- (e) The name of the person, group or organization to be served on the trip; and
- (f) The dates when the service is proposed to be rendered.

One copy of the report must be carried in the vehicle making the trip, and one copy must be retained in the carrier's files for 3 years. The carrier's forms for reporting must be sequentially numbered.

4. A carrier may not operate over the same route or to the same points so frequently as to constitute a regular or scheduled service, unless otherwise specified by the [commission.] *transportation services authority.*

5. A common motor carrier authorized to provide special services shall not charter equipment to provide those services. He shall ensure that the use of his vehicles complies with the provisions of this chapter.

Sec. 63. NAC 706.245 is hereby amended to read as follows:

706.245 1. A vehicle operated under a certificate for the transportation of passengers or property over a regular route or between fixed terminals may not be operated for hire over any route other than that specifically authorized under the certificate. If any portion of a route is temporarily closed for construction, repair or other reason, the vehicle may operate over the most direct and practicable detour, and the operation must be conducted [under] *pursuant to* the same regulations as the original route. If the detour or deviation extends or is expected to extend for more than 10 days, the carrier shall notify the [commission] *transportation services authority* either in writing or by telegram indicating the probable duration and the cause of the detour.

2. Unless otherwise provided in a certificate, authority for a regular route includes service to points or territory 1 mile on either side of the highway designated in the certificate or permit, but will not be construed to mean 1 mile beyond the designated terminals. If the term “city” or “town” is used in a certificate or permit, it means the boundaries of the city or town.

3. Transportation over a regular route must be offered:

(a) To the general public;

- (b) For a per capita fare only;
- (c) According to a published schedule; and
- (d) Only by a common motor carrier authorized to provide that service.

Sec. 64. NAC 706.247 is hereby amended to read as follows:

706.247 1. The department and the [commission] *transportation services authority* hereby adopt by reference the regulations contained in 49 C.F.R. Parts 383, 387, 390 to 393, inclusive, [section 394.15, Parts] 395 to 397, inclusive, and [appendices D, E and G,] *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 [commission.] *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 commission.]

(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 [Section 177.823 of Title 49.] *49 C.F.R. § 177.823*.

(d) References to special agents in appendix B of [subchapter B] *49 C.F.R. Ch. III, Subch. B* are amended to include personnel of the department and the [commission.] *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. App. §§ 1801 to 1813, inclusive);] , 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 [commission,] *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 [commission] *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 [~~\$21.~~] *\$43.*

Sec. 65. NAC 706.248 is hereby amended to read as follows:

706.248 1. The [commission] *transportation services authority* hereby adopts by reference the regulations contained in 49 C.F.R. Parts 27, 37 and 38, as those regulations existed on September 6, 1991.

2. A common or contract motor carrier of passengers shall comply with the regulations set forth in 49 C.F.R. Parts 27, 37 and 38 if any provision of the regulations applies to the operation of the motor carrier in this state.

3. The volume containing 49 C.F.R. Parts 27, 37 and 38 is available from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, at the price of [~~\$20.~~] *\$31.*

Sec. 66. NAC 706.250 is hereby amended to read as follows:

706.250 1. An authorized carrier may, with the prior approval of the [commission,] *transportation services authority*, enter into an agreement with a person who is not his

employee to manage his business. The agreement may be for a period of not more than 1 year, but may be renewed.

2. An agreement to manage a carrier's business must:

- (a) Be filed with the [commission;] *transportation services authority*;
- (b) Specify the compensation paid to the manager; and
- (c) Specify the term of the agreement.

3. The compensation paid to the manager may include a limited bonus in the form of cash, stock or both, to be paid upon the occurrence of a specified condition.

4. Any agreement which:

- (a) Includes a bonus to the manager of more than 10 percent of the carrier's stock; or
- (b) Grants to the manager total control of the overall operations of the carrier,

will be considered an attempted transfer of a certificate, permit or license and will not be approved.

5. A background investigation of the manager selected by the carrier may be conducted by the [commission] *transportation services authority* as part of its process in determining whether to grant approval.

Sec. 67. NAC 706.254 is hereby amended to read as follows:

706.254 The [commission] *transportation services authority* hereby adopts by reference [the regulations contained in 32 C.F.R. Part 177,] *Department of Defense Directive 3005.7*, Emergency Requirements, Allocations, Priorities and Permits for Department of Defense Use of Domestic Civil Transportation . [, as those regulations exist on June 15, 1962. 32 C.F.R. Part 177] *Department of Defense Directive 3005.7* is available from [the Superintendent of

Documents, U.S. Government Printing Office, Washington, D.C. 20402, at the price of \$13.]
National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, at the price of \$15.

Sec. 68. NAC 706.257 is hereby amended to read as follows:

706.257 1. A complete copy of any agreement between or among two or more common carriers relating to rates, fares, classifications, divisions, allowances or charges, including , *without limitation*, charges between carriers and compensation paid or received for the use of facilities and equipment, or regulations pertaining thereto, including , *without limitation*, procedures for the joint consideration, initiation or establishment thereof, must be filed with the [commission] *transportation services authority* and must comply with the requirements relating to such agreements set forth in NAC 706.257 to 706.269, inclusive.

2. Failure to comply with the requirements will result in the rejection of the agreement without prejudice. The agreement must then be refiled when compliance with the requirements has been met.

Sec. 69. NAC 706.260 is hereby amended to read as follows:

706.260 The [commission] *transportation services authority* will not accept for filing any agreement which establishes a procedure for the determination of any matter through joint consideration unless it finds that [under] *pursuant to* the agreement there is accorded to each party the free and unrestrained right to take independent action either before, during or after any determination arrived at through that procedure.

Sec. 70. NAC 706.263 is hereby amended to read as follows:

706.263 Each agreement filed with the [commission] *transportation services authority* must provide:

1. A list of all carriers initially anticipated to participate in the agreement.
2. The name and address of the agency, tariff bureau, rate conference or association that will implement the proposals approved [under] *pursuant to* the agreement, administer the docketing and notification procedures and publish, file and distribute the tariffs issued pursuant to the agreement.
3. That only carriers executing the agreement may participate in an intrastate multicarrier common motor carrier tariff issued by the administering agency.
4. That each participating common carrier will have full and equal privileges [under] *pursuant to* the agreement, including , *without limitation*, notice of all docket bulletins relating to rate proposals, meetings and dispositions.
5. That each multiple common carrier tariff will be governed by a rate committee consisting of one representative from each participating carrier in the tariff.
6. That each common carrier will have one vote in making determinations [under] *pursuant to* the agreement.
7. That a simple majority (more than 50 percent) of the participating carriers will be required to approve any proposal considered [under] *pursuant to* the agreement.
8. That only participating common carriers in the affected tariff may vote and that noncarriers and personnel of the administering agency may not vote.
9. A designation of those eligible to participate in the agreement.

10. Specific procedures for processing proposals relating to fares, rates, classifications, divisions, allowances and charges, including , *without limitation*, charges between common carriers and compensation paid or received for the use of facilities and equipment. These procedures must prescribe the method of submitting proposals, provide for notifying all tariff participants of proposals received and of their ultimate disposition, allow a reasonable time for response to the proposals and provide for processing proposals and responses by bulletin through the United States mail where warranted and by meeting, upon request of participating common carriers.

11. A procedure for handling instructions for independent action received from a participating common carrier.

12. A description of any matters which do not require processing through bulletins or meetings of common carrier participants.

13. A procedure for the withdrawal from the agreement by any common carrier desiring to do so, for the cancellation of a common carrier's processing and implementing proposals **[under]** *pursuant to* the agreement and for the continuation of its participation in the affected tariff.

14. That the agreement may be amended subject to approval by a majority vote of the participating common carriers, but that amendments will not become effective until filed with and approved by the **[commission.]** *transportation services authority*.

15. That each party to the agreement with the tariff bureau and all other carriers to the agreement shall comply fully with the terms and conditions of the agreement.

Sec. 71. NAC 706.269 is hereby amended to read as follows:

706.269 Each conference, bureau, committee or other organization established or continued pursuant to any agreement filed with the [commission under the provisions of] *transportation services authority pursuant to* NAC 706.257 to 706.269, inclusive, shall, for a period of not less than 3 years, maintain records, files and memoranda pertaining to all proposals considered by it.

Sec. 72. NAC 706.272 is hereby amended to read as follows:

706.272 1. A subsequent contract will be approved for an applicant with an existing permit to act as a contract motor carrier without notice and hearing under the following conditions:

(a) If the approval is granted, the applicant will have no more than the number of contracts authorized pursuant to NAC 706.232 or 706.274.

(b) Each contract to be approved must take the place of an existing previously approved contract.

(c) Each contract to be approved must state the duration of the contract and must be for no less than 3 months.

(d) Each contract to be approved must be identical to the previously approved contract in the following ways:

- (1) The type of service to be provided;
- (2) The geographical description of the service territory;
- (3) The rates, fares or charges; and
- (4) The type of equipment and the method by which the equipment will be dedicated to the contract.

(e) The contract must provide that the service will be rendered directly by the carrier to the shipper.

(f) The shipper is not a broker of transportation services.

2. For contracts approved pursuant to subsection 1:

(a) The name of the shipper for whom the services are being performed must be displayed on the unit having motor power. The name of the shipper must be in letters not less than 2 inches in height and readable from a distance of at least 50 feet. A removable sign or placard may be used if made of durable material such as wood, plastic or metal. The carrier displaying the name of the shipper must also display the name of the operator as required by NAC 706.170.

(b) The rights, duties and obligations of the shipper must not be assigned to any other shipper without the approval of the [commission] *transportation services authority* pursuant to subsection 1. An assignment made or an assignment attempted without the approval of the [commission] *transportation services authority* will be treated as a new contract requiring a permit.

Sec. 73. NAC 706.274 is hereby amended to read as follows:

706.274 1. A carrier who obtains a contract permit on or after January 1, 1988:

(a) May have a contract containing not more than three shippers or not more than three contracts, but neither the total number of contracts nor the total number of shippers may exceed three; and

(b) Must present sufficient evidence to the [commission] *transportation services authority* that either the number of contracts held by the contract carrier does not exceed the number of

vehicles owned by the contract carrier and that at least one vehicle is dedicated to each individual shipper, or, when the number of vehicles owned by the carrier is less than the number of shippers in a single contract, the contract carrier must explain in the contract how the exclusive use will be provided to the shipper for a continuing period.

2. The provisions of paragraph (a) of subsection 1 also apply to a carrier who obtained a contract permit before January 1, 1988, if:

(a) The carrier was not authorized to provide transportation pursuant to four or five contracts or with four or five shippers; or

(b) The carrier has subsequently ceased operations pursuant to four or five contracts or with four or five shippers.

Sec. 74. NAC 706.278 is hereby amended to read as follows:

706.278 1. The [commission] *transportation services authority* hereby adopts by reference the regulations contained in 49 C.F.R. Part 27, Subparts [A, C and E,] *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, C and E] *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, C and E] *A and C*, may be obtained from the office of the [public service commission of Nevada at the price of \$7.75.] *transportation services authority in Las Vegas*. The volume containing Subparts [A, C and E] *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 [~~\$14.~~] *\$31.*

Sec. 75. NAC 706.302 is hereby amended to read as follows:

706.302 1. A tariff of rates and fares for common motor carriers which are filed with the [~~commission~~] *transportation services authority* must be numbered consecutively, beginning with number 1, and show:

- (a) The name and address of the motor carrier.
- (b) The number of the page of the tariff canceled thereby.
- (c) All points to which service is rendered.
- (d) The distance between all points named in the tariff, where applicable.
- (e) The date issued.
- (f) The effective date.
- (g) All joint, through or local rates, fares or charges, or rates, fares or charges for a particular commodity or class of passengers or commodities.
- (h) The names of participating carriers if joint rates are named.
- (i) Regulations governing the tariff.
- (j) A full explanation of the marks and technical abbreviations used in the tariff.

2. Contract motor carriers must enter into written bilateral contracts which must be submitted to the [~~commission~~] *transportation services authority* for approval before operating and must contain:

- (a) The name and address of the motor carrier.
- (b) The date the contract was issued.

(c) The effective date.

(d) All minimum rates, fares or charges.

Sec. 76. NAC 706.305 is hereby amended to read as follows:

706.305 The [commission] *transportation services authority* may on its own motion or on the filing of a sufficient protest by any person or persons affected, order a tariff withdrawn, modified or suspended.

Sec. 77. 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 [commission,] *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 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. 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 **[commission.]** *transportation services authority*.

Sec. 78. NAC 706.312 is hereby amended to read as follows:

706.312 1. A common motor carrier of household goods must, if requested by the shipper after a visual inspection of the goods, give to the shipper a written estimate of the charges. The original must be delivered to the shipper and a copy maintained by the carrier in his record of the shipment.

2. The estimate must be based upon the carrier's tariff filed with the **[commission.]** *transportation services authority*. The final charge for transporting the goods may not exceed the estimate by more than 10 percent. If the final charge is less than the estimate, the carrier shall only collect the actual charge for the service.

Sec. 79. NAC 706.314 is hereby amended to read as follows:

706.314 1. All tariffs submitted must be accompanied by a transmittal letter with an explanation of the purposes and intent of the tariff.

2. If any change is proposed in any rate, the proposed change must be plainly indicated on the new tariff filed with the [commission] *transportation services authority* by a mark immediately preceding or following the new tariff.

Sec. 80. NAC 706.323 is hereby amended to read as follows:

706.323 Common or contract carriers who are on call must not establish a definite schedule that would indicate a regular route service, or establish any schedules between fixed destinations, except carriers of household goods, operators of dump trucks or as otherwise ordered by the [commission.] *transportation services authority*.

Sec. 81. NAC 706.327 is hereby amended to read as follows:

706.327 1. A common or contract motor carrier of commodities shall carry in the unit having motive power a manifest containing:

(a) A description of the shipment, including , *without limitation*, the number of pieces and the net weight of the shipment.

(b) The names of the consignees.

(c) The names of the consignors.

(d) The points of origin and destination of the shipment.

(e) The route of the shipment.

(f) A statement that the carrier's rates and regulations are subject to approval by the [commission.] *transportation services authority*.

2. A copy of the manifest must be kept on file in the principal office of each carrier involved in the transport of the shipment for 3 years after the shipment has been made.

Sec. 82. NAC 706.333 is hereby amended to read as follows:

706.333 1. A claim by a shipper or consignor against a common or contract motor carrier for lost or damaged freight or baggage must be submitted to the carrier within 7 days after the loss or damage is discovered.

2. Within 14 days after receipt of the claim, the carrier shall:

- (a) Compensate the shipper or consignor; or
- (b) Deliver to the shipper or consignor a written denial of the claim.

3. A denial of a claim may be appealed by the shipper or consignor to the **[commission.]**
transportation services authority.

Sec. 83. NAC 706.335 is hereby amended to read as follows:

706.335 1. Upon the completion of a shipment of freight, the authorized carrier shall present to the person paying for the shipment the original bill for payment.

2. The bill must show:

- (a) The name and address of the carrier.
- (b) The names of the consignor and consignee.
- (c) The points of origin and destination.
- (d) The date and time the shipment was received by the carrier.
- (e) The date of arrival of the shipment at its destination.
- (f) The date of the bill.
- (g) The weight of the shipment, if applicable.
- (h) The route over which the freight was transported, the name of the point of transfer and the name of each carrier participating in the transportation.
- (i) The numbers of the vehicles which transported the freight.

(j) An adequate description of the property transported, including the number of packages and a listing of the commodities carried.

(k) The rate charged for the service.

(l) Any other charge incident to the transportation.

(m) A statement that the carrier's rates are subject to regulation by the [commission.] *transportation services authority*.

(n) Any other information required by the [commission.] *transportation services authority*.

Sec. 84. 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 [commission] *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 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. 85. NAC 706.356 is hereby amended to read as follows:

706.356 1. Except as otherwise provided in subsection 3, a common motor carrier who is subject to the provisions of NAC 706.010 to 706.395, inclusive, shall not interrupt any service established pursuant to the provisions of NRS 706.011 to 706.791, inclusive, for more than 48 hours in any 180-day period without filing a petition and obtaining an order granting the petition from the [commission. The commission] *transportation services authority*. *The transportation services authority* will give public notice and, if a protest is filed, hold a hearing on the petition before granting the petition. The [commission] *transportation services authority* may hold a hearing on the petition if no protests are filed. If the [commission] *transportation services authority* does not act on the petition within 45 days after its filing, the petitioner may temporarily suspend operations until a final order is entered by the [commission.] *transportation services authority*.

2. A carrier who interrupts such service for less than 48 hours must provide notice to the [commission] *transportation services authority* if the service being interrupted is the transportation of passengers. A notice required pursuant to this subsection must include , *without limitation*, the justification for the interruption of service. Financial or economic hardship may not be used to justify such an interruption. An interruption of less than 48 hours may not be renewed or extended unless the carrier files a petition and obtains an order in accordance with [the provisions of] subsection 1.

3. If an interruption of service for more than 48 hours is caused by an unforeseeable event which is beyond the control of the carrier, the carrier must provide written notice to the [commission] *transportation services authority* within 24 hours after the event. If service is not

resumed within 10 days after such an interruption, the carrier must file a petition in accordance with [the provisions of] subsection 1.

4. An order of the [commission] *transportation services authority* granting the temporary interruption of service expires 180 days after the date *on which* the petition was filed. If the carrier has not resumed service on a permanent basis upon the expiration of such an order, the staff of the [commission] *transportation services authority* shall, within 30 days after the expiration of the order, forward a recommendation to the [commission] *transportation services authority* stating whether the [commission] *transportation services authority* should issue an order to show cause why the contract permit or certificate of public convenience and necessity of the carrier should not be revoked.

Sec. 86. NAC 706.359 is hereby amended to read as follows:

706.359 1. A temporary transfer of operating rights may be approved if the [commission] *transportation services authority* finds it is in the public interest.

2. Applicants who seek approval of a temporary transfer of operating rights for a limited period, whether by lease, operating contract or otherwise, must state in their application the circumstances which makes the transfer necessary, the specified period for which the transfer is sought, the consideration for the transfer, the time and method of payment and that the applicants have agreed in writing that all operating rights involved in the transaction revert to the transferor at the expiration of the term, or upon a discontinuance of operations by the transferee at any time before the expiration of the term. In case of reversion, the transferor shall give immediate notice to the [commission.] *transportation services authority*. It must be

further stipulated by the applicants that the transferee will be responsible for furnishing all reports required by the [commission.] *transportation services authority*.

3. Unless unusual circumstances are involved, an application for the transfer of operating rights for a limited time will not be approved for a period of less than 30 days, nor longer than 2 years, during which time the parties will be expected to consider and determine whether they want to enter into a permanent transaction of sale and purchase of the rights. Nothing in this section may be construed as approving a sale and purchase of operating rights in advance of an application.

Sec. 87. NAC 706.3613 is hereby amended to read as follows:

706.3613 [The] *Except as otherwise provided in sections 22 and 32 of this regulation, the provisions of NAC [706.3615] 706.3613 to 706.3757, inclusive, and sections 5, 14 and 20 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. 88. NAC 706.3615 is hereby amended to read as follows:

706.3615 The annual fee charged by the [commission] *transportation services authority* pursuant to NRS 706.471 will be \$36 for each taxicab operated.

Sec. 89. NAC 706.362 is hereby amended to read as follows:

706.362 1. A person holding a certificate to operate a taxicab shall post in the vehicle a schedule of the rates based on zones or mileage or any other rate approved by the [commission] *transportation services authority* for the operation of the vehicle. The schedule must be clearly readable by all occupants of the taxicab. If the vehicle is operated under a tariff

based on zones, there must be posted within that vehicle a map clearly visible to occupants in the rear showing the territory served with the zones outlined and the applicable fares stated.

2. The name or trade name of the carrier and the city or town from which the carrier is authorized to operate under its certificate must be painted on each side of a taxicab. A trade name may not be used unless it is first approved by the [commission.] *transportation services authority.*

Sec. 90. 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, including, 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.

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. 91. 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 [~~commission.~~] *transportation services authority*.

Sec. 92. 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. 93. 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. 94. NAC 706.375 is hereby amended to read as follows:

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

2. The lease will be approved by the **[commission]** *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.*

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 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 that limousine.

Sec. 95. 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 [~~commission.~~] *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 [~~commission~~] *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 [703 of NAC and chapters 703 and] 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 [commission] *transportation services authority* may determine to be necessary for the protection of the health and safety of members of the public.

2. The [commission] *transportation services authority* may, for good cause and after a hearing, revoke or suspend the authority of a *certificate* holder [of a *certificate to operate a taxicab*] to enter into a lease agreement pursuant to NRS 706.473.

Sec. 96. NAC 706.3757 is hereby amended to read as follows:

706.3757 If the [commission] *transportation services authority* has reason to believe that any provision of NAC 706.3753 [or 706.3755] is being violated, the [commission] *transportation services authority* may, after a hearing:

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

2. Order the *certificate* 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.] ; or

3. *Revoke or suspend the authority of the certificate holder to enter into a lease agreement pursuant to NRS 706.473.*

Sec. 97. NAC 706.377 is hereby amended to read as follows:

706.377 1. The department and the [commission] *transportation services authority* hereby adopt by reference the regulations contained in 49 C.F.R. Parts 107, 171 [to 173, inclusive,], 172, 173, 177, 178 and 180, as those regulations exist on November 1, 1991.

2. To enforce these regulations, enforcement officers and inspectors of the department and [commission] *transportation services authority* may, during regular business hours, enter the

property of a shipper or carrier to inspect his records, facilities and vehicles, including space for a cargo.

3. The volume containing Parts 107 to [177, inclusive, and the volume containing Parts 178 to 199, inclusive, are] 180, inclusive, is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at the price of [\$27 and \$22, respectively.] \$50.

Sec. 98. NAC 706.379 is hereby amended to read as follows:

706.379 1. A common or contract motor carrier authorized to operate a taxicab, 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 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 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 carburetor.

(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 of 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 October 1, 1998, 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 and limousine that is placed into service after October 1, 1998, 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. If an employee of the [commission] *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, 3 and 4*, 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, 3 and 4*. If the vehicle does not conform to the standards prescribed in [subsection 2] *subsections 2, 3 and 4*, 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, 3 and 4*, 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.

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

Sec. 99. NAC 706.381 is hereby amended to read as follows:

706.381 1. A taxicab, 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 [commission.] *transportation services authority.*

2. If the authorized employee of the [commission] *transportation services authority* finds that a vehicle is in a condition which violates any provision of subsection 2 , 3 or 4 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 [commission] *transportation services authority* finds that a vehicle is in a condition which violates any provision of subsection 2 , 3 or 4 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 [commission] *transportation services authority* on a form provided by [the commission's representative.] *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 [commission] *transportation services authority* pursuant to NAC 706.203.

Sec. 100. NAC 706.386 is hereby amended to read as follows:

706.386 The [commission] *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 permitted] 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. 101. NAC 706.389 is hereby amended to read as follows:

706.389 1. Except as otherwise provided in subsection 2, an application for the transfer of operating rights will not be approved if there has been a cessation of operations by the

transferor without appropriate authority of the [commission] *transportation services authority* even if the application was submitted before the operations ceased.

2. Approval may be obtained if the cessation of operations was caused by circumstances over which the holder of the operating rights had no control or the transfer would be in the public interest.

Sec. 102. NAC 706.395 is hereby amended to read as follows:

706.395 1. No transfer of any operating right is effective except upon full compliance with these regulations and until after the [commission] *transportation services authority* has approved the transfer as provided in this section. The mere execution of a chattel mortgage, deed of trust or other similar document, does not constitute a transfer. A proposed transfer of operating rights by means of the foreclosure of a mortgage or deed of trust or other lien upon such rights, or by an execution in satisfaction of any judgment or claim against the holder is not effective without compliance with these regulations and the prior approval of the [commission.] *transportation services authority*.

2. A proposed transfer of operating rights will not be approved if the [commission] *transportation services authority* finds that the transferee does not intend to, or would not, engage in bona fide motor carrier operations under the operating rights, or if the [commission] *transportation services authority* finds that the transferor acquired the operating rights to profit therefrom and has not engaged in bona fide motor carrier operations under the operating rights.

3. An application for the transfer of operating rights by sale and purchase will not be approved if the:

(a) [Commission] *Transportation services authority* considers and determines that the purchase price to be paid would be excessive and contrary to the public interest.

(b) Transfer would tend to create an unfair competitive operation and is not consistent with the public interest.

Sec. 103. NAC 706.402 is hereby amended to read as follows:

706.402 As used in NAC 706.402 to 706.448, inclusive, “operator of a tow car” means the owner, manager, employee or agent of a company operating a tow car which holds a certificate of public convenience and necessity issued by the [commission.] *transportation services authority*.

Sec. 104. NAC 706.404 is hereby amended to read as follows:

706.404 The annual fee charged by the [commission] *transportation services authority* pursuant to NRS 706.451 will be \$36 for each tow car operated.

Sec. 105. NAC 706.406 is hereby amended to read as follows:

706.406 Tariffs for tow cars filed with the [commission] *transportation services authority* will be divided into the following categories:

1. CATEGORY A: Towing or removing a vehicle at the request of a law enforcement agency, the owner of the vehicle, his agent or the driver of the vehicle which requires the use of a tow car with an unladen weight of 9,000 pounds or more.

2. CATEGORY B: Towing or removing a vehicle at the request of a law enforcement agency, the owner of the vehicle, his agent or the driver of the vehicle which does not require the use of a tow car with an unladen weight of 9,000 pounds or more.

3. CATEGORY C: Towing or removing a vehicle at the request of a person other than a law enforcement agency, the owner of the vehicle, his agent or the driver of the vehicle.

4. Storage of a vehicle inside a secure building, in a secure exterior area enclosed by a fence with a locked gate or in an unsecured open area under the control of the tow car operator.

Sec. 106. NAC 706.408 is hereby amended to read as follows:

706.408 1. The operator of a tow car shall include on a bill for towing only those rates and charges approved by the [commission] *transportation services authority* in the operator's tariff.

2. The rates and charges for Category C must be based upon a flat rate. The flat rate may vary for the time of day *at which* the vehicle is towed, but may not vary according to the time required to tow the vehicle, the distance or the equipment used, except that a rate for mileage similar to the rate for mileage for Category A or B may be charged for a tow of more than 10 miles. An operator authorized to operate a tow car with an unladen weight of 9,000 pounds or more and to operate a tow car with an unladen weight of less than 9,000 pounds may file a separate schedule of rates and charges for Category C for each of the two certificates.

3. An operator of a tow car shall include in his tariff a specific reduction in the flat rate charged for releases of a vehicle if the owner of the vehicle or his agent arrives at the scene of the tow before the vehicle is towed.

4. The distance for which a rate is charged must be determined by the shortest practical route. A fraction of a mile must be rounded to the nearest mile. The operator of a tow car may

use another route only at the request of the owner of the vehicle, his agent or the driver of the vehicle.

Sec. 107. NAC 706.412 is hereby amended to read as follows:

706.412 1. The operator of a tow car shall maintain at all times a copy of the tariff approved by the [commission] *transportation services authority* and a copy of NAC 706.402 to 706.448, inclusive, in each location where requests for towing are received and in each tow car.

2. A notice stating that a copy of the tariff is available in the tow car for inspection by the public must be placed on each side of the tow car. The notice must be at least 24 inches wide and 4 inches in height, and the lettering must have a stroke of at least one-quarter of an inch. The text of the notice must be:

Notice: A copy of the applicable charges is available for public inspection within this vehicle.

3. A notice must be prominently posted at a facility where vehicles are stored after towing which states that stored vehicles will be released only after arrangements for payment of all charges have been made between the operator of the tow car and the owner, driver or authorized representative of the owner or driver of the vehicle. The notice must contain the telephone number of the operator of the tow car or a person authorized to make the arrangements for payment.

Sec. 108. NAC 706.414 is hereby amended to read as follows:

706.414 If a governmental agency requires an operator of a tow car to acquire a special permit to tow a particular vehicle, the operator may, in addition to the charges included in the tariff approved by the [commission,] *transportation services authority*, charge the owner or driver of the vehicle for the cost of the special permit if the amount charged is:

1. Equal to the cost of obtaining the special permit; and
2. Itemized on the bill for towing and supported by written statements attached to that bill.

Sec. 109. NAC 706.416 is hereby amended to read as follows:

706.416 1. The operator of a tow car shall specifically itemize on the bill for towing any fee charged by the department of motor vehicles and public safety for processing a lien on a towed vehicle and identify it as a charge not subject to regulation by the [commission.] *transportation services authority*.

2. In addition to the charges included in the tariff approved by the [commission,] *transportation services authority*, an operator of a tow car may charge for any administrative costs associated with the sale of a vehicle or the processing of any lien on a towed vehicle.

Sec. 110. NAC 706.422 is hereby amended to read as follows:

706.422 1. The forms to be used for billing must be preprinted and numbered. The operator shall account for each such numbered form.

2. A copy of the bill for towing must be given to the person paying the rates and charges. The operator of the tow car shall retain a copy of each bill for 3 years. The operator shall, upon request, open his files for inspection and audit by the [commission] *transportation services authority* during normal business hours.

Sec. 111. NAC 706.426 is hereby amended to read as follows:

706.426 The operator of a tow car shall give the person paying a bill for towing information on procedures for filing complaints, including , *without limitation*, the name and address of the [division of consumer relations of the commission.] *transportation services authority*. This information may be printed on:

1. The bill for towing if it is in a prominent place on the bill in 12 point or larger type; or
2. An informational card of a design and wording established by the [commission.] *transportation services authority*.

Sec. 112. NAC 706.427 is hereby amended to read as follows:

706.427 1. Except as otherwise provided in subsection 7, an operator of a tow car shall not tow a vehicle from private property at the request of the owner or person in lawful possession of the property, or a designated agent of the owner or person in lawful possession of the property, unless a sign is displayed on the property in accordance with the provisions of NRS 487.038, any applicable municipal and county ordinances and subsection 6.

2. In residential complexes, reserved parking spaces and areas in which parking is prohibited must be clearly marked.

3. The staff of the [commission] *transportation services authority* will, upon request by the operator of a tow car:

(a) Verify by inspection a map of each property from which tows may be made which is submitted by the operator; and

(b) Send a letter to the operator describing the size, color, number and placement of the sign or signs on each property and stating whether the sign or signs are in compliance with this section.

4. If a sign is removed, destroyed or damaged it must be replaced or repaired within a reasonable time.

5. The [commission] *transportation services authority* may grant a waiver from any of the provisions of this section if, upon application of the operator of a tow car or the owner or person in lawful possession of the property from which tows are made, it determines that a waiver is in the public interest.

6. A sign or signs displayed on a parking lot pursuant to subsection 1 must:

(a) Be printed with contrasting background and lettering;

(b) Use readable lettering;

(c) Be placed on the parking lot in such a manner that it is in the field of view of all drivers entering the lot;

(d) Be of sufficient quantity to notify all users of the lot of [its] *the* parking restrictions; and

(e) Include the name and telephone number of the local law enforcement agency which is to be notified of a tow.

7. This section does not apply:

(a) If the owner or person in lawful possession of private property, or the designated agent of the owner or person in lawful possession of the property, has entered into a written contract with the owner of the vehicle which describes the circumstances under which a vehicle may be towed;

(b) If the owner or person in lawful possession of private property, or the designated agent of an owner or person in lawful possession of the property, requests that the vehicle be towed

because it is parked in a “no parking” area, such as a marked fire lane, red zone, travel lane of a roadway, driveway, lawn or any other area commonly recognized as a “no parking” area;

(c) To the towing of a vehicle at the direction of a peace officer; or

(d) To the towing of a vehicle from an unimproved area or an area where no sign is displayed if a notice has been posted on the vehicle for not less than 24 hours.

Sec. 113. NAC 706.436 is hereby amended to read as follows:

706.436 1. The weight of the vehicle to be towed includes , *without limitation*, the weight of any load the vehicle is carrying. To determine the weight, the tow car operator may consider any manifest of the contents of the load.

2. An operator of a tow car who has been granted authority by the **[commission]** *transportation services authority* to operate a tow car of less than 9,000 pounds may use the tow car to tow or transport a vehicle with a gross weight of up to 14,000 pounds, except that:

(a) A tow car which is rated by the manufacturer to carry a load of 1,500 pounds or less may not be used to tow or transport a vehicle weighing more than the gross weight of the tow car; or

(b) A tow car which is rated by the manufacturer to carry a load of 1 ton may not be used to tow or transport a vehicle weighing more than the gross weight of the tow car plus 2,000 pounds.

Sec. 114. NAC 706.444 is hereby amended to read as follows:

706.444 The operator of a tow car shall file a disclosure with the **[commission]** *transportation services authority* detailing any business interest he or his employees, family members or partners in other businesses may have in any:

1. Facility for the repair of vehicles.
2. Parking facility.
3. Business which manages property.
4. Business providing parking services.

Sec. 115. NAC 706.446 is hereby amended to read as follows:

706.446 A copy of any written agreement between an operator of a tow car and any person that the person will periodically use the services of the operator must be filed with the **[commission]** *transportation services authority* within 7 days after the agreement is signed. A copy of the agreement must be on file in the operator's office.

Sec. 116. 1. This section and sections 1 to 26, inclusive, 30, 33 to 89, inclusive, and 91 to 115, inclusive, and 117 of this regulation become effective upon filing with the secretary of state.

2. Section 32 of this regulation becomes effective on October 1, 1998.
3. Sections 28, 29 and 90 of this regulation become effective on December 1, 1998.
4. Sections 27 and 31 of this regulation become effective on March 1, 1999.

Sec. 117. NAC 706.190 and 706.3755 are hereby repealed.

TEXT OF REPEALED SECTIONS

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.