

**REVISED PROPOSED REGULATION OF THE TAXICAB**

**AUTHORITY OF THE DEPARTMENT OF**

**BUSINESS AND INDUSTRY**

**LCB File No. R064-02**

June 18, 2002

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

AUTHORITY: §§1, 3-15 and 19-30, NRS 706.8818; §2, NRS 706.8818 and 706.8827; §§16 and 18, NRS 706.171; §17, NRS 706.171 and 706.173.

**Section 1.** Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this regulation.

**Sec. 2. 1.** *Each certificate holder shall maintain an investment of not less than 20 percent equity capital in his operations and include proof of that investment in his annual report filed with the authority.*

*2. A certificate holder who fails to maintain adequate equity capital as required by subsection 1 shall, not later than 3 months after receiving notice from the authority of that failure, file a plan with the authority to maintain such equity capital within the next 12 months.*

*3. Within 15 months after receiving notice from the authority that he has failed to maintain adequate equity capital, a certificate holder must have an investment of not less than 20 percent equity capital in his operations.*

*4. The authority may revoke the certificate of a certificate holder who fails to comply with the provisions of this section.*

**Sec. 3. 1.** *The staff of the authority may attempt to resolve an oral complaint against a certificate holder that it receives from a member of the general public. If the complainant is not satisfied with the resolution of the oral complaint, the staff shall notify the complainant that he may file a written complaint with the staff of the authority.*

*2. The staff of the authority may require a complainant to provide a written confirmation of an oral complaint.*

**Sec. 4. 1.** *A written complaint must:*

*(a) Clearly and concisely state the grounds of the complaint and the facts constituting the alleged wrongful act or omission; and*

*(b) Be accompanied by copies of all supporting documents.*

*2. The staff of the authority shall maintain a record of each written complaint, including, without limitation:*

*(a) Each relevant fact relating to the origin, nature and basis of the complaint;*

*(b) A description of each action that the complainant has taken or attempted to take to resolve the complaint;*

*(c) The response of the certificate holder to the complaint, including copies of supporting documents, if any; and*

*(d) Any other information the staff considers relevant to the resolution of the complaint.*

*3. The staff of the authority shall:*

*(a) Within 10 days after receiving a written complaint, send a letter of acknowledgment to the complainant.*

*(b) Within 20 days after receiving a written complaint, serve a copy of the complaint upon the certificate holder against whom the complaint is made and require the certificate holder to file a response to the complaint with the staff.*

**Sec. 5. 1.** *A certificate holder against whom a written complaint is made shall file with the staff of the authority a written response to the complaint within 15 days after receiving the complaint unless, for good cause shown, the staff extends the time for responding.*

**2.** *The response must include:*

*(a) A statement that the respondent has resolved the complaint; or*

*(b) If the complaint has not been resolved, a detailed admission or denial of each material allegation of the complaint and a full statement of the facts and matters of law relied upon as a defense.*

**3.** *The response must:*

*(a) Be signed by the respondent or, if represented, by the attorney or other authorized representative.*

*(b) Include the full name, address and telephone number of the respondent and, if represented, the name, address and telephone number of the attorney or other authorized representative of the respondent.*

**4.** *If the respondent fails to file a response with the staff of the authority within the time prescribed in subsection 1, the staff shall place the matter before the authority for a determination of whether probable cause exists for the written complaint. An unexcused failure of the respondent to respond to the complaint within the time prescribed in subsection 1 shall be deemed an admission by the respondent of all relevant facts stated in the complaint.*

**Sec. 6. 1.** *If the staff of the authority receives a response to a written complaint, the staff shall examine the complaint, the response and any other information the staff has obtained that is necessary for the resolution of the complaint.*

*2. After completing an investigation of the matter set forth in the written complaint, the staff of the authority shall notify all parties of the results of the investigation and shall recommend any actions that the parties should take to resolve the complaint.*

**Sec. 7. 1.** *If the staff of the authority cannot resolve the complaint because the staff determines that the complaint cannot be resolved or the complainant is not satisfied with the recommendation of the staff, the staff shall notify all parties that it will submit the complaint to the authority for review.*

*2. In addition to transmitting the complaint, the results of its investigation and its recommendation to the authority, the staff of the authority shall submit:*

- (a) The reasons for the complaint;*
- (b) The position taken by the respondent; and*
- (c) Any interim action taken by the staff.*

FLUSH *The staff shall provide the additional information to the complainant and respondent.*

**Sec. 8.** *If the authority determines that no probable cause exists for a written complaint or the complaint has been resolved and the authority has received a notice of the resolution of the complaint, the authority will dismiss the complaint. The authority will serve upon the complainant and respondent a copy of the entry in the minutes of the authority indicating the dismissal of the complaint by the authority and a brief statement of the reasons for the dismissal.*

**Sec. 9.** *If the authority determines that probable cause exists for a written complaint, the authority may:*

- 1. Set a date for a hearing on the complaint; or*
- 2. Order appropriate relief.*

**Sec. 10.** *Each driver shall conduct a search of the interior of his taxicab at the termination of each trip. If the driver discovers any property of a passenger in the taxicab, the driver shall immediately report the property discovered to his employer and, as soon as practicable, deliver the property to his employer. The employer shall maintain the property in his possession and dispose of the property in the manner provided by law.*

**Sec. 11.** *A certificate holder shall not issue a referral for employment to an applicant until the applicant has provided the certificate holder with a copy of the physician's certificate required by NRS 706.8842 or a waiver as prescribed by 49 C.F.R. 391.41 et seq., and proof that the applicant is lawfully entitled to remain and work in the United States.*

**Sec. 12.** *At the end of each trip, the driver shall, upon request, provide his passenger with a receipt that includes:*

- 1. The amount of the fare as indicated on the taximeter;*
- 2. The name of the certificate holder who owns the vehicle in which the passenger was transported; and*
- 3. The permit number of the driver.*

**Sec. 13.** *A certificate holder shall maintain a log for each taxicab dispatched for service by a radio call. The log must include:*

- 1. The date and time the call requesting transportation was received;*
- 2. The name of the person or location requesting transportation;*

3. *The unit designation of the taxicab dispatched; and*
4. *The date and time the designated unit was dispatched for the requested transportation.*

**Sec. 14.** *If a certificate holder receives a complaint concerning a driver that alleges a violation of any of the provisions of this chapter or chapter 706 of NRS, the certificate holder shall notify the administrator of the complaint not later than 2 working days after he receives the complaint.*

**Sec. 15. 1.** *The holder of a permit shall provide written notice to the authority not later than 10 working days after:*

- (a) There is any change of name or home or mailing address of the holder of the permit; or*
- (b) He is convicted of an offense described in paragraph (a), (b) or (c) of subsection 1 of NAC 706.516 within the periods prescribed in that subsection.*

*2. The authority shall revoke the permit of any person who fails to provide written notice to the authority of any conviction described in paragraph (b) of subsection 1 within the periods prescribed in subsection 1 of NAC 706.516.*

**Sec. 16.** NAC 706.450 is hereby amended to read as follows:

706.450 As used in NAC 706.450 to ~~706.975,]~~ **706.990**, inclusive, *and sections 2 to 15, inclusive, of this regulation*, unless the context otherwise requires:

1. “Administrator” means the taxicab administrator or his authorized agent.
2. “Authority” means the taxicab authority created by NRS 706.8818.
3. “Certificate” means a certificate of public convenience and necessity issued by the authority.
4. “Medallion” means the metal plate issued by the authority which is affixed to a taxicab authorizing it to be operated within the jurisdiction of the authority.

5. “Permit” means the document supplied by the authority authorizing a person to drive a taxicab within the jurisdiction of the authority for a period of 1 year.

6. “Temporary permit” means the document supplied by the authority authorizing a person to drive a taxicab within the jurisdiction of the authority for less than 1 year.

**Sec. 17.** NAC 706.453 is hereby amended to read as follows:

706.453 1. The burden of proof by clear and convincing evidence is upon the applicant to satisfy the authority of his suitability to receive a certificate. He must demonstrate:

(a) His financial ability to provide continuous service ~~{ }~~, *including sufficient equity capital to acquire the necessary property and equipment, but not less than the amount of equity capital required by section 2 of this regulation.*

(b) He has no record of a conviction of a felony or crime involving moral turpitude.

(c) He is not associated with, controls, is controlled by ~~{ }~~ or exercises common control with, an unsuitable person.

(d) He has sufficient experience or has employed persons with sufficient experience properly to manage a taxicab company.

(e) His good moral character.

2. The authority reserves the right to conduct an investigation before issuing a certificate or a permit. Upon determining that an investigation is necessary, the authority will notify the applicant of the estimated cost of the investigation. The authority will not commence the investigation until the applicant has paid one-half of the estimated cost.

**Sec. 18.** NAC 706.477 is hereby amended to read as follows:

706.477 ~~{Certificate holders}~~ *Each certificate holder* shall , within 2 working days, inform the administrator of the dismissal of any driver ~~{ }~~ *and the reason therefor.* Within 5 working

days after the end of each month, *each* certificate ~~[holders]~~ *holder* shall provide the authority with a list of all drivers whose employment was terminated during the month.

**Sec. 19.** NAC 706.486 is hereby amended to read as follows:

706.486 1. ~~[Certificate holders shall equip their]~~ *Each certificate holder shall:*

(a) *Equip his* taxicabs with a cruising light approved by the administrator attached to the top of the taxicab which must be illuminated during the hours of darkness. ~~[These lights are not to]~~ *The light must not* be confused with the signal lights described in NAC 706.501.

~~[2.—Certificate holders shall display]~~

(b) *Display* in bold block letters, not less than 6 inches in height, the unit number of each taxicab, on the sides of both front fenders and on the left of the rear trunk lid of the taxicab in plain view, in a color contrasting with the color of the taxicab.

~~[3.—Certificate holders shall display their]~~

(c) *Display his* telephone number and the unit number of the taxicab within each taxicab in a location plainly visible to all passengers.

~~[4.—Certificate holders must secure]~~

(d) *Obtain* approval from the administrator for ~~[their]~~ *the* color scheme, insignia, cruising light design and assignment of unit designation numbers to ensure that they do not conflict with those of another certificate holder.

~~[5.—All certificate holders shall affix]~~

(e) *Affix* inside ~~[their]~~ *each* taxicab, in a conspicuous place, a bracket or holder that would accommodate a 5-inch by 7-inch driver's permit and an authority rate card.

~~[6.]~~ (f) *Display inside each taxicab, in a conspicuous place, a placard at least 6 inches by 12 inches in size in substantially the following form:*



***IMPORTANT***

***You are riding in a (name of taxicab company) vehicle.***

***Please note the company name and unit number of this vehicle.***

***This information is important if you leave property in this vehicle***

***or wish to file a complaint or commendation with the***

***Nevada Taxicab Authority at (702) 486-6532.***

2. Any taxicab found to be in violation of this section by the authority will be placed out of service and not put back in service until inspection and approval by the authority.

**Sec. 20.** NAC 706.492 is hereby amended to read as follows:

706.492 A certificate holder shall not permit a taxicab to be operated in passenger service unless ~~it~~ ***the taxicab*** meets all of the following standards in addition to those prescribed by NRS 706.8837:

1. The front suspension system is in good repair and proper working order.
2. The engine, transmission and drive train, including mounts, are in good repair and proper working order and, during normal operation, do not die, miss, backfire or show noticeable loss of power.
3. The engine, transmission, drive train or accessories must not emit loud noises so as to be disturbing to the passengers or distracting to the driver.
4. The taxicab is equipped with an air filter or adequate flame arrester covering the air intake of the carburetor.
5. The taxicab does not pull to the left or right or tend to drift under normal driving conditions.

6. The engine, transmission, radiator or accessories do not allow a noticeable quantity of fluid to leak.

7. The engine does not emit excessive smoke from either the exhaust or crankcase.

8. All windows are operable, free of obstruction and the driver's view is not impaired in any direction.

9. The brake lining is of sufficient thickness to prevent the metal portion of the brake shoe or pad from coming in contact with the brake drum or disk. Under normal braking conditions, the taxicab does not pull to the left or right or unusual locking of wheels does not occur.

10. Heating and air-conditioning systems are mandatory equipment on all taxicabs operating in ~~Nevada~~ *this state* and are required to provide reasonable comfort to passengers at their request and must conform to reasonable standards of efficiency.

11. ~~All taxicabs placed in service after January 1, 1989,~~ *The taxicab* must be equipped with:

(a) A mirror on the outside of the front door on the passenger's side;

(b) Operable trunk lid supports or a trunk rod or bar, one end of which is permanently affixed to the vehicle;

(c) Straps to tie down the trunk; ~~and~~

(d) Windows that have not been tinted more than the manufacturer's specifications for the vehicle ~~;~~

~~12.];~~

(e) Seat belts ~~must be~~ *that are* maintained in a clean and operable condition at all times ~~;~~

~~13. All taxicabs placed in service after January 1, 1992, must be equipped with:~~

~~(a)];~~

(f) Automatic locks which control all doors and which are operable at the driver's door; and

~~(b)~~ (g) A trunk release which is operable from inside the trunk.

**Sec. 21.** NAC 706.519 is hereby amended to read as follows:

706.519 1. In addition to the requirements of NRS 706.8842, an applicant must:

(a) Meet the requirements of the Federal Motor Carrier Safety Regulations, 49 C.F.R. 391.41 to 391.49, inclusive.

(b) Provide to the administrator a copy of a health certificate valid for at least ~~1 year.~~ 2 years. If the health certificate expires before the proposed date of expiration of the applicant's permit, the applicant must obtain a new health certificate and ~~furnish~~ provide a copy to the administrator before issuance of the permit.

2. This section applies both to new applicants and applicants for renewal.

**Sec. 22.** NAC 706.543 is hereby amended to read as follows:

706.543 During a driver's ~~shift,~~ period of duty, he shall, in addition to the requirements of NRS 706.8845:

1. Not engage in verbal arguments or acts of physical violence.

2. Refrain from backing into position in any taxicab stand.

3. Refrain from loading passengers at any establishment where a taxicab stand has been established unless he has been through the rotation of the stand. This provision does not apply ~~when~~ if there are no cabs on the stand.

4. Not permit more than two passengers in the front seat of his taxicab and not permit more than five passengers in his taxicab at any one time.

5. Not knowingly operate a taxicab equipped with a faulty or inaccurate taximeter, or that shows signs of having been tampered with.

6. Not operate a taxicab in which the taximeter is not sufficiently illuminated or the face obscured to the extent that the entire fare recording device cannot be easily seen by the passenger.

7. Not operate a taxicab in which the taximeter does not have a properly attached seal as affixed by the administrator.

8. Not operate a taxicab that does not have properly affixed a valid medallion as issued by the administrator.

9. Not operate a taxicab when any illness or physical or mental disorder may impair his safe operation of a taxicab.

10. Not operate a taxicab while taking drugs that may impair his ability safely to operate a taxicab.

11. Keep a complete and accurate trip sheet as prescribed in NAC 706.510 and 706.549 and NRS 706.8844.

12. Not display or distribute any advertising within or on his taxicab which has not been authorized by his employer.

**Sec. 23.** NAC 706.546 is hereby amended to read as follows:

706.546 1. No certificate holder may allow a driver to operate a taxicab under any of the following conditions:

(a) When the driver's license of the taxicab driver is not in his possession or has been suspended or revoked by the department of motor vehicles, ~~[and public safety.]~~ until proof of reinstatement of driving privileges has been furnished to the administrator;

(b) When a driver's permit has been denied or revoked by the administrator or is under suspension as ordered by the administrator;

- (c) During the time that a driver shows temporary or permanent inability to meet the standards of NRS 706.8842;
- (d) When a driver is intoxicated or shows signs of having been drinking;
- (e) When a driver shows obvious effects of having taken drugs;
- (f) When a driver does not meet the prescribed minimum standards of dress and appearance as set forth by the certificate holder; or
- (g) When a driver does not possess a valid permit issued by the administrator which authorizes him to be employed by the certificate holder.

2. In case of unforeseen circumstances, a driver having a valid permit issued by the authority who has not exceeded the hours of service established by NAC 706.549 may drive a ~~shift~~ *period of duty* for another company ~~utilizing~~ *using* the same dispatch facilities.

3. A driver who has driven more than 10 ~~shifts~~ *periods of duty* for a company within a 30-day period must be carried as a permanent driver of that company.

**Sec. 24.** NAC 706.549 is hereby amended to read as follows:

706.549 1. A driver of a taxicab shall not work a ~~shift~~ *period of duty* longer than 12 consecutive hours except when under a charter or a trip, the charter or trip having commenced within a reasonable period before the end of the driver's ~~shift~~ *period of duty*.

2. Under no circumstances may a driver work longer than 16 hours within a 24-consecutive hour period.

3. A driver who has completed a ~~shift~~ *period of duty* of 8 hours or more must not be knowingly permitted or required to resume driving unless the driver has been off duty for at least 8 consecutive hours.

4. A certificate holder shall not knowingly require or permit any driver of a taxicab to work longer than 12 consecutive hours, except as provided in subsection 1.

5. Each certificate holder shall provide an appropriate, accurate and operable time clock. The time clock must be approved by the authority before its use, and the certificate holder shall require its drivers to time stamp their trip sheets at the beginning and end of each of their ~~shifts.~~ *periods of duty.*

**Sec. 25.** NAC 706.552 is hereby amended to read as follows:

706.552 A taxicab driver shall, in addition to the requirements of NRS 706.8849:

1. ~~Assure~~ *Ensure* that the electronic taximeter of his taxicab is engaged while the taxicab is on hire.

2. Not solicit passengers by voice or action.

3. Not accept, directly or indirectly, a gratuity or any form of compensation from any person ~~except his employer or a passenger for services connected with the operation of his taxicab.~~ *for diverting or attempting to divert a prospective customer from any commercial establishment.*

4. Not knowingly operate a taxicab that is unsafe for passenger service.

5. Upon changing employment from one certificate holder to another, present to the administrator his permit and a referral slip from his new employer for issuance of a permit. Before commencing his employment, a taxicab driver must present his taxicab driver's permit to his employer.

6. Except as otherwise provided in NAC 706.546, not operate a taxicab within the jurisdiction of the authority for other than the company listed on his driver's permit.

7. Report immediately any inoperable or defective taximeters to the certificate holder or his representative.

8. Not divert or attempt to divert a prospective customer from any commercial establishment.

9. Except as authorized by his employer or the authority, not permit any person other than himself within his taxicab unless that person is a passenger who is actually being transported and is paying a fare.

**Sec. 26.** NAC 706.876 is hereby amended to read as follows:

706.876 1. NAC 706.876 to ~~706.975,~~ 706.990, inclusive:

(a) Govern all practice and procedure before the taxicab authority ~~of Clark County, Nevada~~ ~~(hereinafter referred to as the authority))~~ and the ~~taxicab~~ administrator unless otherwise directed by the authority or administrator.

(b) Must be liberally construed to secure just, speedy and economical determination of all issues presented to the authority.

2. In cases, where good cause appears, not contrary to statute, the administrator or the authority may permit deviation from the rules if it finds compliance impracticable or unnecessary.

**Sec. 27.** NAC 706.924 is hereby amended to read as follows:

706.924 1. Hearings will be held before the authority or administrator as prescribed by law. Notice of hearing before the authority or administrator will be served *on all parties* at least ~~10~~ 20 days before the hearing, indicating the *purpose*, place, date and hour of ~~same.~~ *the hearing.*

2. All hearings before the authority which encompass rates, certificates or transfer of any existing authority vested in any person or corporation to operate a taxicab business ~~[must]~~ *will* be noticed by publication and mailing.

3. The notice ~~[must]~~ *will* be published one time not less than ~~[10]~~ *20* days before the day fixed for the hearing in one newspaper of general circulation in Clark County, Nevada.

~~[4.—All hearings held before the administrator which encompass complaints against certificate holders to operate a taxicab service, suspension or revocation of a holder's certificate, preliminary allocation of taxicabs and complaints against taxicab drivers must be noticed to the person or corporation 10 days before the hearing. The notice of the hearing must indicate the purpose for the hearing, and the location, date and time of the hearing.]~~

**Sec. 28.** NAC 706.945 is hereby amended to read as follows:

706.945 1. Applicants or complainants shall present their evidence and such parties as may be opposing the application or complaint, shall submit their proof. The presiding officer of the authority or administrator shall determine the order in which ~~[interested]~~ parties introduce their evidence. Interveners shall, as far as possible, follow the party with respect to whom intervention is made. If the intervention is not in support of either original party, the presiding officer shall designate at which stage the interveners will be heard.

2. Evidence will ordinarily be received in the following order:

(a) Upon applications:

- (1) Applicant;
- (2) Authority staff;
- (3) Interveners; and
- (4) Rebuttal by applicant.



(b) Upon ~~formal~~ *written* complaints:

- (1) Complainant;
- (2) Respondent;
- (3) Authority staff; and
- (4) Rebuttal by complainant.

(c) Upon complaints or orders to show cause by the authority or administrator:

- (1) Authority;
- (2) Respondent; and
- (3) Rebuttal by the authority staff.

3. The procedure described in subsection 2 may be modified at the discretion of the authority's presiding officer or administrator.

**Sec. 29.** NAC 706.969 is hereby amended to read as follows:

706.969 1. The authority or administrator will cause a record to be made of all public hearings. ~~Parties desiring copies~~ *A person who wishes to obtain a copy* of a transcript may obtain ~~it~~ *a copy* from the official reporter *or the authority* upon payment of the fee fixed for ~~it~~ *a copy*, as approved by the authority or administrator.

2. ~~Ordinary~~ *If an official reporter is used for a public hearing, the ordinary* attendance charges, per diem and travel expenses and charges for copies of the transcript required by the authority or administrator for ~~their own~~ *his* purposes will be paid by the moving party.

**Sec. 30.** NAC 706.915 is hereby repealed.

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**TEXT OF REPEALED SECTION**

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**706.915 Complaints.**

1. Formal complaints must be in writing on a form prescribed and provided by the authority and must clearly and concisely state the ground of complaint and a statement of the acts or things done or omitted. All formal complaints must be verified. Two or more complainants may join in one complaint if their respective causes of action are against the same person and deal with substantially the same violation of law, regulation or order of the authority.

2. Informal complaints may be made by a letter or other writing. No particular form is required, but the writing must clearly state the matters complained of and must satisfactorily identify the party complained against. It may embrace supporting papers or documents. It need not be verified but must be signed by the complainant and show the address of the complainant.

3. Formal complaints will be set for hearing at the earliest convenience of the authority or administrator, but no hearing may be held before 5 days have lapsed from the date of notice.

4. Informal complaints may be handled by the authority or administrator, by correspondence or otherwise, with the parties affected in an endeavor to bring about adjustment of the complaint without a formal hearing. Informal procedure is recommended in all cases except those which clearly cannot be adjusted informally. Proceedings on informal complaints will be conducted without prejudice to the complainant's right to file and prosecute a formal complaint if the matter

cannot be properly adjusted informally, in which event the informal proceeding will be discontinued and a formal complaint filed if further proceedings are desired.