

**ADOPTED REGULATION OF THE
NEVADA TRANSPORTATION AUTHORITY**

LCB File No. R029-15

Effective September 11, 2015

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

AUTHORITY: §§1-15, 17-19, 21-29 and 31-78, sections 25 and 46 of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at pages 1402 and 1410; §16, sections 25, 26 and 46 of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at pages 1402 and 1410; §20, sections 25, 37 and 46 of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at pages 1402, 1406 and 1410; §30, sections 25, 30 and 46 of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at pages 1402, 1404 and 1410.

A REGULATION relating to transportation network companies; providing for the regulation of transportation network companies; establishing provisions relating to the issuance of permits for transportation network companies; establishing fees and annual regulatory assessments for transportation network companies; establishing provisions relating to the regulation of drivers affiliated with transportation network companies; establishing provisions relating to complaints; establishing provisions relating to practice before the Nevada Transportation Authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes and empowers the Nevada Transportation Authority to regulate all transportation network companies and drivers who operate or wish to operate within this State. (Section 25 of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, p. 1402) **Section 16** of this regulation establishes requirements relating to an application for a permit to act as a transportation network company. **Section 16** also establishes the application fee for such a permit. **Section 17** of this regulation requires the issuance of a permit to an applicant who meets the requirements for the permit. **Section 18** of this regulation requires a permit to state any applicable limitations on the number of motor vehicles that may be operated in affiliation with the company or the persons to whom transportation services may be provided. **Section 19** of this regulation requires that the Authority be given notice by the transportation network company of each person who may be on call as a driver. **Section 20** of this regulation establishes the annual regulatory assessment for a transportation network company. **Sections 21-38** of this regulation establish provisions for the regulation of transportation network companies and drivers thereof. **Section 24** requires prior notice to the Authority before the use of a trade name or fictitious name. **Section 25** requires that a nontransferrable decal be affixed to each motor vehicle operated in affiliation with a transportation network company. **Section 26** requires each transportation

network company to file evidence of insurance required by law with the Authority and to submit any changes to such insurance within 5 days after the change. **Section 28** requires each transportation network company to notify the Authority of any change in address or intended sale, transfer, lease or discontinuance of operations. **Section 30** requires each transportation network company to notify the Authority of the base rate currently in use by the company, and **section 31** prohibits the collection of any different amount than such a rate, other than a voluntary gratuity paid to a driver by a passenger. **Section 35** establishes limits on the number of hours a driver may be on call or provide transportation services in a given period of time. **Section 36** establishes limits on the number of persons that may be in a motor vehicle while a driver is on call for a transportation network company. **Section 38** requires each transportation network company and driver to operate in a manner suitable to protect the public health and safety and ensure orderly, reliable and cost-effective delivery of transportation services. **Section 39** of this regulation provides that a violation of the provisions of **sections 21-38** is grounds for the imposition of a fine or the suspension or revocation of a permit. **Sections 40-78** of this regulation provide for practice before the Authority, including, without limitation, the handling of complaints and hearings.

Section 1. Chapter 706A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 78, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Chair” has the meaning ascribed to it in NRS 706.024.*

Sec. 4. *“Commissioner” means a member of the Authority appointed pursuant to NRS 706.1511.*

Sec. 5. *“Deputy Commissioner” means the person appointed as the Deputy Commissioner of the Authority pursuant to NRS 706.176.*

Sec. 6. *“Hearing” means any public proceeding for which notice is provided by the Authority in accordance with applicable statutes and regulations.*

Sec. 7. *“Motor vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway. The term does not include:*

1. *Devices moved by human power or used exclusively upon stationary rails or tracks;*
2. *Mobile homes or commercial coaches as defined in chapter 489 of NRS; or*
3. *Electric personal assistive mobility devices.*

Sec. 8. *“On call” means any period in which a driver is logged into the digital network or software application service of a transportation network company, available to receive requests for transportation services or providing transportation services.*

Sec. 9. *“Party of record” means an applicant, complainant, petitioner or respondent.*

Sec. 10. *“Permit” means a permit issued by the Authority pursuant to section 17 of this regulation to operate as a transportation network company.*

Sec. 11. *“Presiding officer” means the Chair or a Commissioner designated by the Chair to preside over a hearing.*

Sec. 12. *“Staff of the Authority” means persons employed by the Authority.*

Sec. 13. *As used in section 38 of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at page 1407, the Authority will interpret the term “longer route to the passenger’s destination” to mean any route other than that which a driver knows or reasonably believes would result in the lowest fare to the passenger.*

Sec. 14. *If any provision of this chapter or any application thereof to any person, thing or circumstance is held invalid, the Authority intends that such invalidity not affect the remaining provisions of this chapter, or their application, that can be given effect without the invalid provision or application.*

Sec. 15. *1. A fee or remittance by money order, bank draft or check to the Authority, or by an electronic transfer of money for fees or remittances which are equal to or greater than the amount specified in NRS 353.1467, must be made payable to the “Nevada Transportation*

Authority.” A remittance in currency or coin is acceptable but is sent wholly at the risk of the remitter, and the Authority assumes no responsibility for the loss of such a remittance. An application fee or other charge required by law must be paid to the Authority at the time of filing with the Authority.

2. An administrative fine imposed pursuant to section 42 of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at page 1408, must be paid by cash, cashier’s check or money order or, if the administrative fine is equal to, or greater than, the amount specified in NRS 353.1467, by the electronic transfer of money.

Sec. 16. 1. An application for:

(a) The initial issuance of a permit to act as a transportation network company pursuant to the provisions of sections 16 to 46, inclusive, of Assembly Bill No. 176, at page 1392 (chapter 706A of NRS); or

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

(1) A permit;

(2) The stock of a corporation that holds a permit if 15 percent or more of the stock is sold or transferred in a single transaction;

(3) A partnership that holds a permit;

(4) A corporate entity that holds a permit which would result in a change in the corporate control of the transportation network company; or

(5) The membership of a limited-liability company,

↪ must contain the information set forth in subsection 2 and be accompanied by the applicable fee required by subsection 6 or 7.

2. An application described in subsection 1 must contain:

(a) A statement and general description of the type of services to be performed by the applicant, including the rates or fares to be charged and rules governing such services.

(b) A statement of the qualifications and experience of the personnel who will manage and operate the proposed services.

(c) A statement describing the technology which will be used to provide the proposed services, including, without limitation, a description of the method for tracking and limiting the hours of drivers required by section 35 of this regulation.

(d) If the applicant is a corporation or limited-liability company, a copy of its articles of incorporation or articles of organization, as applicable. If the corporation or limited-liability company was incorporated or established in another state, the application must include:

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

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

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

(f) A copy of the state business registration issued pursuant to chapter 76 of NRS in the applicant's name, if applicable.

(g) A copy of the insurance policy which meets the requirements set forth in sections 4 to 14, inclusive, of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at page 1398, and which identifies the Nevada Transportation Authority as a named insured.

(h) An example of the trade dress required by section 25 of this regulation.

(i) Such additional information as is necessary for a full understanding of the application.

3. An application filed before the effective date of this regulation must be given a credit towards the application fee due under subsection 6 in the amount of any previous application fee paid, with the remaining balance due within 15 days after the effective date of this regulation.

4. If any item required pursuant to this section or by sections 16 to 46, inclusive, of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at page 1401 (chapter 706A of NRS), is omitted or otherwise deficient after acceptance of an application or filing, the Authority will notify the applicant of the omission or deficiency, in writing, at the address of the applicant listed on the application or filing. If the applicant does not cure the omission or deficiency within 15 working days after the issuance of that notification, the Deputy Commissioner may, at the next regular meeting of the Authority, move that the application or filing be dismissed.

5. The Authority may fix a time and place for a hearing on an application to determine whether the applicant meets the requirements for the issuance of a permit.

6. Each application submitted pursuant to paragraph (a) of subsection 1 must be accompanied by a fee based on the following schedule:

(1) For an applicant seeking authority to utilize not more than 100 drivers within the first 24 months after a permit is granted, \$6,000.00;

(2) For an applicant seeking authority to utilize not more than 500 drivers within the first 24 months after a permit is granted, \$30,000.00;

(3) For an applicant seeking authority to utilize not more than 1,000 drivers within the first 24 months after a permit is granted, \$60,000.00;

(4) For an applicant seeking authority to utilize not more than 2,500 drivers within the first 24 months after a permit is granted, \$150,000.00;

(5) For an applicant seeking authority to utilize not more than 5,000 drivers within the first 24 months after a permit is granted, \$300,000.00;

(6) For an applicant seeking authority to utilize not more than 7,000 drivers within the first 24 months after a permit is granted, \$420,000.00;

(7) For an applicant seeking authority to utilize more than 7,000 drivers within the first 24 months after a permit is granted, \$500,000.00; and

(8) For nonprofit applicants seeking authority limited to the transportation of elderly persons or persons with disabilities exclusively, \$600.00.

7. Each application submitted pursuant to paragraph (b) of subsection 1 must be accompanied by a fee of \$200.

Sec. 17. Upon receipt of a completed application and upon a determination by the Authority that an applicant meets the requirements for the issuance of a permit, the Authority will issue a permit to the applicant within 30 days after receipt of the application and the determination by the Authority.

Sec. 18. A permit issued by the Authority pursuant to section 17 of this regulation must, on the basis of the standard fixed portion of the application fee paid by the transportation network company pursuant to section 16 of this regulation, state:

1. The total number of motor vehicles which may provide transportation services in affiliation with the company during the first 24 months after the permit is issued; and

2. Whether the motor vehicles operated in affiliation with the company are limited to providing nonprofit transportation services to elderly persons and persons with disabilities.

Sec. 19. 1. A person shall not be on call as a driver unless the transportation network company with which the person is affiliated has provided notice to the Authority pursuant to this section in a format approved by the Authority.

2. A transportation network company shall not allow a person to be on call as a driver unless the company has notified the Authority that:

(a) The person has met all of the requirements of section 29 of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at page 1403; and

(b) The person is employed or has entered into a contract, or has an offer of employment or for a contract, to provide transportation services in affiliation with the company.

3. The Authority will create and maintain a list of drivers for whom a transportation network company has submitted a notice pursuant to subsection 2. Such a notice is valid for 1 year but lapses if the driver ceases to be affiliated with the company that submitted the notice. A transportation network company must notify the Authority within 10 days after the date on which a driver is no longer affiliated with the company, and any subsequent company with which the driver becomes affiliated must provide a new notice pursuant to this section before allowing the driver to provide transportation services in affiliation with the company.

4. The failure to provide the notice required by this section before a driver is on call for the transportation network company, or providing false or inaccurate information in such a notice, may be grounds for the assessment of an administrative fine or the suspension or revocation of a permit pursuant to section 39 of this regulation and section 42 of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at page 1408.

5. All records and files of the Authority that include information provided to the Authority pursuant to this section, including any lists compiled pursuant to subsection 3, are

confidential and privileged and are not a public book or record within the meaning of NRS 239.010.

Sec. 20. 1. One year after the date of issuance of a permit to a transportation network company, the company shall within 10 days, submit to the Authority a statement of the gross operating revenue of the transportation network company derived from the Nevada intrastate operations of the company for that year of operation. Upon receipt of the statement, the Authority will, within 10 days, issue to the transportation network company a notice of its annual regulatory assessment.

2. The regulatory assessment described in subsection 1 must be calculated at a rate of 1 percent of the gross operating revenue of the transportation network company derived from the Nevada intrastate operations of the company reported in the statement by the company. The Authority will annually reevaluate the regulatory assessment rate based upon the total revenues generated from the fees set forth in section 16 of this regulation and the expenses of the Authority for the regulation of transportation network companies.

3. As used in this section, the term “gross operating revenue of the transportation network company derived from Nevada intrastate operations of the company” does not include any revenue that is paid or in any other manner transferred to a driver.

Sec. 21. Each transportation network company shall comply with the provisions of sections 21 to 38, inclusive, of this regulation and shall instruct its employees and agents concerned with the transportation of persons with respect thereto.

Sec. 22. No issuance of a permit for the operation of a transportation network company carries with it the implication or intent of investing a transportation network company that has been issued a permit with any property right.

Sec. 23. 1. Unless otherwise authorized by the Authority, each applicant for a permit or for the transfer of a permit whose application has been granted must commence operations within 30 days after the date on which the permit was issued or transferred or the applicant forfeits the rights granted.

2. A transportation network company shall not start operating until the company has complied with all requirements of this chapter and sections 16 to 46, inclusive, of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at page 1401 (chapter 706A of NRS), unless otherwise authorized by the Authority.

Sec. 24. No transportation network company may use any trade name or any fictitious name without prior notice to the Authority of its intent to use the name. The Authority may issue an order prohibiting the use of a fictitious name only if such a use would violate state or federal law.

Sec. 25. 1. Except as otherwise provided in this section, a motor vehicle operating in affiliation with a permit must have affixed to the lower passenger-side corner of the windshield an inconspicuous, nontransferrable decal which identifies the permit number of the transportation network company with which the vehicle is affiliated.

2. While a driver is on call, the motor vehicle operated by the driver in affiliation with a transportation network company must bear the trade dress of the company. Each transportation network company shall notify the Authority of any modification to its trade dress from the example submitted with its application for a permit pursuant to section 16 of this regulation.

Sec. 26. Each transportation network company shall:

1. Before the issuance of a permit, file with the Authority evidence of the insurance required by section 11 of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at page 1398.

2. After the issuance of its permit, submit any changes in the information submitted by the company pursuant to subsection 1 within 5 days after the change occurs.

Sec. 27. No employee, officer, driver, agent or representative of a transportation network company may interfere with, refuse, deny or hinder the Authority or its appointed representatives from making any inspection, investigation or examination of any motor vehicle, record or document authorized by this chapter or sections 16 to 46, inclusive, of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at page 1401 (chapter 706A of NRS).

Sec. 28. Each transportation network company operating within this State under the jurisdiction of the Authority shall notify the Authority of any changes in its address or of an intended sale, transfer, lease or discontinuance of operations under the authority granted to the company in its permit.

Sec. 29. A transportation network company shall provide to the Authority the name and contact information of one or more key supervisory or responsible persons employed by the company and shall update that information as necessary. Such persons must be authorized to act on behalf of the company in dealing with the Authority.

Sec. 30. 1. Each transportation network company shall notify the Authority of the base rates currently in use by the company, and file with the Authority any new base rates prior to their utilization.

2. During an emergency, as defined in NRS 414.0345, a transportation network company shall not charge a fare in excess of the base rate on file with the Authority on the date of the emergency.

Sec. 31. 1. Except as otherwise provided in subsection 2, a transportation network company or driver shall not charge, demand, collect or receive a greater, lesser or different amount of compensation for the provision of transportation services or for any other service in connection therewith than the rates applicable to the transportation services as specified in the digital network or software application service of the company.

2. A driver may accept a voluntary gratuity offered by a passenger.

Sec. 32. A transportation network company who is subject to the provisions of this chapter shall not interrupt any service established pursuant to sections 16 to 46, inclusive, of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at page 1401 (chapter 706A of NRS), for more than 48 hours during any 180-day period without prior notice to the Authority.

Sec. 33. Except for a voluntary gratuity offered by and accepted from a passenger, a driver shall not accept any form of compensation for transportation services from any person except the transportation network company.

Sec. 34. While providing transportation services, a driver, except as authorized by the transportation network company or the Authority, shall not allow any other person within his or her motor vehicle unless that person is a passenger who is being transported for a fare or the guest of such a passenger.

Sec. 35. 1. A driver shall not, under any circumstances, be on call for more than 16 cumulative hours within a period of 24 consecutive hours.

2. *A driver shall not, under any circumstances, provide transportation services for more than 12 cumulative hours within a period of 24 consecutive hours.*

3. *A transportation network company shall not knowingly require or authorize any driver affiliated with the company to violate any provision of subsection 1 or 2.*

4. *A transportation network company shall provide an appropriate and accurate method for tracking and limiting the hours of all drivers affiliated with the company to ensure compliance with the provisions of subsections 1 and 2.*

Sec. 36. *While on call, a driver shall not exceed the lawful capacity of his or her motor vehicle or transport more passengers than the number of safety belts in the vehicle. Regardless of the lawful capacity of a motor vehicle or the number of safety belts in a vehicle, a driver shall not allow more than eight occupants, including the driver, in his or her motor vehicle at any one time while providing transportation services.*

Sec. 37. 1. *Before allowing a motor vehicle to be placed into service in affiliation with a transportation network company, the company shall provide notice to the Authority confirming the vehicle meets all the requirements of section 31 of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at page 1405.*

2. *Upon providing the notice required by subsection 1, the transportation network company may issue a decal for the motor vehicle which must be affixed to the vehicle as described in section 25 of this regulation.*

Sec. 38. *Each transportation network company and driver shall operate in this State in a manner suitable to protect the public health and safety and to ensure reliable and cost-effective delivery of transportation services. Each transportation network company is responsible for the creation and maintenance of methods of operation which satisfy the*

requirements of this section. The willful or persistent use of methods of operation determined not to satisfy the provisions of this section constitutes grounds for the assessment of an administrative fine or the suspension or revocation of a permit pursuant to section 39 of this regulation and section 42 of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at page 1408.

Sec. 39. Any transportation network company or driver who violates any provision of sections 21 to 38, inclusive, of this regulation is subject to the assessment of an administrative fine or the suspension or revocation of a permit pursuant to section 42 of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at page 1408.

Sec. 40. 1. Sections 40 to 78, inclusive, of this regulation govern practice before the Authority.

2. To the extent that any action before the Authority is not covered by the provisions of sections 40 to 78, inclusive, of this regulation, the Authority may, to the extent it deems appropriate, use the appropriate provision of chapter 233B of NRS or any applicable rule of the Nevada Rules of Civil Procedure.

Sec. 41. 1. The Authority will provide notice of the pendency of any matter before the Authority to the parties of record.

2. The notice of pendency will specify that a party may, within 10 days after the date of the notice, request a hearing on the matter.

3. If no request for a hearing is received by the Authority, it will dispense with a hearing and act upon the matter unless it finds that a hearing is necessary.

Sec. 42. 1. A party of record may represent himself or herself or may be represented by an attorney. Any other person who satisfies the Authority or presiding officer that he or she

possesses the expertise to render valuable service to the Authority, and that he or she is otherwise competent to advise and assist in the presentation of matters before the Authority, may be allowed to appear on behalf of a party or parties of record.

2. An attorney at law who appears as legal counsel in any proceeding must be duly admitted to practice and in good standing before the highest court of any state. If an attorney is not admitted and entitled to practice before the Nevada Supreme Court, he or she must associate with an attorney so admitted and entitled to practice.

Sec. 43. 1. A formal written complaint must:

(a) Clearly and concisely state the grounds of the complaint and the facts constituting the alleged wrongful acts or omissions;

(b) Be accompanied by copies of all supporting documents, including, without limitation, invoices, bills of lading, cancelled checks and statements of account;

(c) Include the name and address of the complainant and, if he or she is being represented by an attorney or other authorized representative, the name, address and telephone number of the attorney or authorized representative;

(d) Include the name of the transportation network company and, if applicable, the driver, against which the complaint is being made;

(e) Include the date of each act or omission that is the subject of the complaint;

(f) Include the nature of the relief sought; and

(g) Include the signature of the complainant or, if applicable, the attorney or authorized representative of the complainant.

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

- (a) Each pertinent fact relative 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 transportation network company to the complaint, with copies of supporting documents, if any; and*
- (d) Any other information the staff deems to be relevant to the understanding and resolution of the complaint.*

3. The staff of the Authority shall:

- (a) Within 15 days after receiving a written complaint, send a letter of acknowledgment to the complainant.*
- (b) Within 20 days after receiving a written complaint, send a copy of the complaint to the transportation network company against which the complaint is made and require the transportation network company to file a response to the complaint with the staff of the Authority pursuant to section 44 of this regulation.*

Sec. 44. 1. A transportation network company which receives a request for a response to a complaint shall file with the staff of the Authority a written response to the request within 15 days after receiving the complaint unless, for good cause shown, the staff extends the time for responding.

2. The response must include, without limitation:

- (a) A statement that the respondent has successfully resolved the complaint; or*
- (b) 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 of the respondent.

(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 prescribed time, the staff shall place the matter before the Authority for a determination of probable cause. An unexcused failure of the respondent to respond to the complaint within the prescribed time shall be deemed an admission by the respondent of all relevant facts stated in the complaint.

Sec. 45. 1. If the staff of the Authority receives a response to a formal written complaint, the staff shall examine the complaint, the response and any other information the staff has obtained which is necessary for the resolution of the complaint.

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

Sec. 46. 1. If the staff of the Authority cannot resolve a formal written complaint, either because it determines that the complaint cannot be resolved or the complainant is not satisfied with the recommendation of the staff, the staff shall inform all parties that the complaint has been transmitted to the Authority for review.

2. In addition to transmitting the formal written complaint, the results of its investigation and its recommendation to the Authority, the staff of the Authority shall transmit:

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

↪ The staff shall send this additional information to the complainant and respondent.

Sec. 47. If the Authority determines that no probable cause exists for a formal written complaint received by the staff of the Authority or if the complaint has been settled and the Authority has received notice of the settlement, the Authority will dismiss the complaint. A copy of the entry in the minutes of the Authority showing the dismissal of the complaint by the Authority and a short statement of the reasons for the dismissal will be served upon the complainant and respondent.

Sec. 48. If the Authority determines that probable cause exists for a formal written complaint received by the staff of the Authority, the Authority will:

- 1. Set a date for a public hearing on the complaint.*
- 2. Order appropriate interim relief. If the complaint relates to bills or deposits, the Authority, without a hearing or formal order and in the absence of unusual circumstances, will, upon such terms and conditions as the Authority deems appropriate, forbid discontinuance of transportation services or the issuance of any notice of discontinuance during the investigation of the complaint.*

Sec. 49. 1. In addition to complying with the requirements of NRS 233B.121 for a notice of hearing in a contested case, the Authority will include the words “notice of hearing” in any such notice.

2. The Authority will serve notice of a hearing on the parties of record at least 10 days before the time set for the hearing.

Sec. 50. The Authority or presiding officer may, for good cause, either before or during a hearing, grant a continuance of the hearing for the convenience of the parties of record or the Authority.

Sec. 51. 1. If an applicant, petitioner or complainant fails to appear at the time and place set for a hearing, the Authority may dismiss the petition, application or complaint with or without prejudice, or may, upon good cause shown, recess the hearing to a future date to be set by the Authority to enable the applicant, petitioner or complainant to attend.

2. If an applicant, petitioner or complainant fails to respond to a request for information from the staff of the Authority within 10 business days after the issuance of the request, the person designated by the Authority as the Manager of Transportation shall, at the next regularly scheduled meeting of the Authority, move for dismissal of the application, petition or complaint.

Sec. 52. All testimony to be considered by the Authority in a formal hearing must be sworn testimony except for matters of which official notice is taken or matters entered by stipulation. Before testifying, each witness shall declare, under oath or affirmation, that the testimony he or she is to give at the hearing will be the truth, the whole truth and nothing but the truth.

Sec. 53. 1. The presiding officer shall:

(a) Call a hearing to order and take the appearances of the parties who are present.

(b) Hold appropriate conferences before or during the hearing.

(c) Receive and rule on the admissibility of evidence.

(d) Rule on the admissibility of amendments to the pleadings.

(e) Act upon any pending motions or petitions which do not involve a final determination of the proceeding.

(f) Make proposed opinions, findings and conclusions of law.

(g) Issue appropriate interim orders.

(h) Recess the hearing as required.

(i) Rule on all procedural matters.

(j) Set reasonable limits of time for the presentation of oral testimony.

2. At the discretion of the presiding officer, the parties may make opening statements.

Sec. 54. *1. A request by a party of record for an order for the appearance of a witness at any designated place of hearing or for the production of a book, paper or document must be made in the form of a written motion filed with the Authority or presiding officer.*

2. A motion for an order to compel the production of a book, paper or document must set forth the reasons which support the issuance of the order and must identify, as clearly as possible, the book, paper or document desired.

3. If the motion is granted, the Authority will issue the order or the presiding officer shall issue the order on behalf of the Authority. Where appropriate, the issuance of the order may be conditioned upon an advancement by the moving party of the reasonable cost of the production of books, papers or documents.

4. The Authority will or the presiding officer shall, upon the Authority's or the presiding officer's own initiative or upon a written request by the party to whom the order is directed, quash or modify the order if it is determined to be unreasonable or oppressive.

5. The Authority or presiding officer may, upon the Authority's or the presiding officer's own initiative, issue an order requiring the attendance and testimony of witnesses and the production of a book, paper, document or other tangible thing.

Sec. 55. 1. At the discretion of the presiding officer, a party to a proceeding shall submit a copy of prepared testimony and accompanying exhibits to be presented at a hearing to the Authority and to each party of record.

2. After delivery of the prepared testimony to the Authority, amendments to the prepared testimony may be made upon approval of the Authority or presiding officer.

3. Unless otherwise directed by the presiding officer, prepared testimony must be supported by a signed affirmation by the witness and submitted to the Authority as an exhibit. If circumstances so require, prepared testimony may be read into the record by the witness upon direct examination. The admissibility of prepared testimony will be determined pursuant to the provisions of this regulation which govern oral testimony.

Sec. 56. 1. A properly authenticated resolution of a federal or state agency or division, the governing body of a city, town, county, regional or other municipal corporation or of a chamber of commerce, board of trade, labor union, corporation, commercial, mercantile, agricultural or manufacturing society or other civic organization must be received into evidence if offered by the president, secretary or other proper representative of the corporation or organization.

2. The resolution will be received subject to rebuttal by adversely affected parties of record as to either the authenticity of the resolution or the circumstances surrounding its procurement. Recitals of fact contained in a resolution will only be received for the limited

purpose of showing the expression of the official action of the resolving body on the matters under consideration in the proceeding.

Sec. 57. 1. At the hearing, the presiding officer may order the presentation of further evidence on any issue. The presiding officer may authorize the filing of specific documentary evidence as a part of the record within a fixed time after submission of the evidence. The presiding officer shall reserve exhibit numbers for exhibits which are filed late.

2. After the hearing and before the entry of a final decision and order, the Authority or presiding officer may issue an order requesting the submission of additional exhibits. Such an order must:

(a) Specifically delineate the subject matter to be addressed.

(b) Specify the date by which the exhibits must be submitted.

(c) Require service of the exhibits upon all parties of record.

↪ A party of record may respond to or comment upon such exhibits.

Sec. 58. 1. All rulings made by the presiding officer regarding the admissibility of evidence are subject to review by the Authority. Any pending petition or motion that involves a final determination of the proceeding must be referred to the Authority for determination.

2. In extraordinary circumstances, when a prompt decision by the Authority is necessary to promote substantial justice, the presiding officer shall refer the matter to the Authority for determination and may recess the hearing pending the determination.

Sec. 59. 1. With the approval of the presiding officer, the parties of record may stipulate as to any fact in issue, either by written stipulation introduced in evidence as an exhibit or by an oral statement made upon the record. This stipulation is binding only upon the parties so stipulating and is not binding upon the Authority.

2. The stipulation may be considered by the Authority as evidence at the hearing. The Authority or presiding officer may require proof of the facts stipulated to by independent evidence, notwithstanding the stipulation of the parties. A stipulation without additional proof is not binding on the Authority in the determination of the matter.

Sec. 60. The Authority or presiding officer may, in the course of a proceeding and before entering a decision or a recommended decision, issue an appropriate written interim order. An interim order is not subject to exceptions or petitions for rehearing, reconsideration or reargument, but any party of record aggrieved by the interim order may file a written motion to set aside, stay or modify the order.

Sec. 61. The Authority or presiding officer may take official notice of the following matters:

1. Rules, regulations, official reports, decisions and orders of the Authority and any other agency of the State.

2. Contents of decisions, orders and permits issued by the Authority.

3. Matters of common knowledge and technical or scientific facts of established character.

4. Official documents, if pertinent and properly introduced into the record of formal proceedings by reference. A proper and definite reference to a document must be made by the party offering the document, and the document must be generally circulated to each party of record.

Sec. 62. Unless otherwise specifically ordered, a matter stands submitted for decision by the Authority at the close of the hearing.

Sec. 63. At any time after the conclusion of a hearing and before the issuance of a final order, the Authority or presiding officer, on the Authority's or presiding officer's own motion, may reopen the proceedings for the taking of additional evidence.

Sec. 64. 1. The presiding officer may require any party of record to file proposed findings of fact and conclusions of law at the close of the proceeding. The presiding officer will fix the period within which these proposed findings and conclusions must be filed. No decision, report or recommended order may be made until after the expiration of this period.

2. Each proposed finding of fact and conclusion of law must be clearly and concisely stated and numbered. Each proposed finding of fact must specifically show, by appropriate references to the transcript, the testimony which supports the statement.

3. An original and such copies of proposed findings of fact and conclusions of law, accompanied by a certificate of service, as requested by the presiding officer must be filed by each party with the Authority, and one copy must be served upon each party of record. A presiding officer may not request more than 10 copies of proposed findings of fact and conclusions of law.

4. Any party of record may petition the Authority for an extension of time in which to file proposed findings of fact and conclusions of law.

Sec. 65. 1. The date of the issuance of an order is the day on which the Deputy Commissioner signs and verifies the order and affixes the seal of the Authority on the order. The Deputy Commissioner shall mail or deliver copies of the order to the parties of record not later than 1 day after the date of issuance. The date of issuance of an order may or may not be the day on which the Authority makes the decision. The Deputy Commissioner shall clearly indicate on each order the date of its issuance.

2. Unless otherwise specifically provided in the order, an order of the Authority is effective as of the date of its issuance.

Sec. 66. 1. Any interested person may petition the Authority for a declaratory order or an advisory opinion as to the applicability of any statutory provision or any regulation or decision of the Authority. The Authority will retain discretion as to if and how such a petition will be addressed.

2. Hearings will be held by the Authority, if needed, to obtain information necessary or useful in formulating a declaratory order or advisory opinion.

Sec. 67. As used in sections 67 to 78, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 68, 69 and 70 of this regulation have the meanings ascribed to them in those sections.

Sec. 68. “Administrative proceeding” means a proceeding to impose an administrative fine or prohibit a person from operating as a driver pursuant to section 42 of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at page 1408.

Sec. 69. “Hearing officer” means a person designated by the Chair to conduct an administrative proceeding.

Sec. 70. “Respondent” means a person against whom an administrative proceeding is initiated.

Sec. 71. 1. An administrative proceeding must be initiated by the staff of the Authority as provided in section 72 of this regulation. The staff may terminate an administrative proceeding at any time before a hearing without prejudice to the initiation of another administrative proceeding based upon the same set of facts.

2. An administrative proceeding must be conducted pursuant to the provisions of chapter 233B of NRS and those provisions of sections 16 to 46, inclusive, of Assembly Bill No. 176, chapter 279, Statutes of Nevada 2015, at page 1401 (chapter 706A of NRS), which do not conflict with the provisions set forth in chapter 233B of NRS regarding notice to parties and the opportunity of parties to be heard.

3. The provisions of sections 40 to 66, inclusive, of this regulation apply to an administrative proceeding, as if the hearing officer were the Authority or presiding officer, to the extent that those provisions do not conflict with the provisions of sections 67 to 78, inclusive, of this regulation.

Sec. 72. *1. The staff of the Authority may initiate an administrative proceeding by:*

(a) Serving a copy of a complaint upon the respondent by personal delivery or by mailing by certified mail, return receipt requested, to the last known address of the transportation network company or residence of the respondent; and

(b) Filing the complaint with the Authority.

2. The complaint must be signed by a member of the staff of the Authority and contain:

(a) The name of the respondent;

(b) A concise statement of the facts upon which the imposition of a fine is allegedly grounded; and

(c) Any other matter required by law.

3. The respondent may file with the Authority an answer to the complaint not later than 15 days after the complaint is served on the respondent.

Sec. 73. *1. The staff of the Authority may enter into an agreement with a respondent for the settlement of an administrative proceeding. The agreement must be signed by the staff*

and the respondent, and state that the respondent consents to the imposition of a fine in a specific amount.

2. Upon entering into such an agreement:

(a) The staff of the Authority shall submit the agreement to the Authority; and

(b) The respondent shall deposit with the Authority a cashier's check or money order, payable to the Authority, for the amount of the agreed fine.

3. The agreement is not effective unless approved by the Authority. If the Authority approves the agreement, it will enter an appropriate final order. If the Authority does not approve the agreement, the administrative proceeding must be set for a hearing.

4. Upon termination of the administrative proceeding, the Authority will return to the respondent the amount deposited pursuant to subsection 2 which exceeds the amount of any fine imposed.

Sec. 74. 1. A hearing officer shall:

(a) Subscribe to the constitutional oath of office before exercising any of the powers or performing any of the duties of his or her office.

(b) Conduct a fair and impartial hearing in accordance with the law.

(c) Conduct the entire hearing on the record and require each party of record or the party's counsel to identify himself or herself before presenting evidence.

(d) Establish the order of presentation of the evidence by each party of record.

(e) Ensure that the hearing proceeds with reasonable diligence and the least delay practicable.

(f) Prepare a proposed decision for review by the Authority.

(g) Deliver the record of the hearing and the proposed decision to the Authority.

2. If not otherwise prohibited by law and if substantial rights of the parties of record will not be prejudiced, a hearing officer may allow amendment of the complaint and answer before conducting a hearing.

Sec. 75. 1. Any party of record to an administrative proceeding conducted by a hearing officer may appeal a ruling of the hearing officer on any procedural matter to the Authority by filing a request for further consideration with the hearing officer within 15 days after the ruling is made, or within the period prescribed by the hearing officer. The request must include, without limitation, grounds for review of the ruling by the Authority.

2. The hearing officer shall transmit:

(a) The request for further consideration and any response to the request;

(b) His or her ruling on the procedural matter; and

(c) A memorandum which explains those parts of the hearing officer's ruling which are the subject of the appeal,

↳ to the Authority not later than the time the hearing officer delivers the proposed decision pursuant to section 74 of this regulation.

3. Except as otherwise provided in subsection 4, the Authority will enter a decision on the appeal at the same time it rules upon the proposed decision of the hearing officer received pursuant to section 74 of this regulation.

4. If the hearing officer finds that a ruling on the appeal is necessary to prevent detriment to the public interest or irreparable harm to any person, the Authority may enter a decision on the appeal before it rules on the proposed decision of the hearing officer received pursuant to section 74 of this regulation.

Sec. 76. 1. The Authority will review the decision of a hearing officer and enter a final order affirming, modifying or setting aside the decision.

2. If a respondent fails to appear at the time and place set for an administrative proceeding, the Authority may impose a fine for the violations alleged in the complaint.

3. In determining the amount of a fine to be imposed pursuant to an administrative proceeding, the Authority may consider:

(a) The seriousness of the violations alleged in the complaint which were demonstrated to have been committed by the respondent;

(b) Any hazard to the health or safety of the public resulting from those violations;

(c) Any economic benefit received by the respondent as a result of those violations;

(d) Any mitigation or aggravation by the respondent of the effects of those violations;

(e) The extent to which the respondent demonstrates his or her good faith;

(f) Any previous history of violations by the respondent;

(g) The amount necessary to deter future violations; and

(h) Any other appropriate matter.

Sec. 77. A fine imposed pursuant to an administrative proceeding is due and payable within 20 days after the final order of the Authority imposing the fine.

Sec. 78. The provisions of sections 67 to 78, inclusive, of this regulation do not preclude the commencement or pursuit of any additional remedies for the commission of the acts upon which an administrative proceeding is based.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE R029-15**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) chapter 706.

- 1. A clear and concise explanation for the need for the adopted regulation**
The Nevada Transportation Authority must adopt regulations to a new chapter of the Nevada Administrative Code for purposes of implementing Assembly Bill No. 175 and Assembly Bill No. 176 of the 78th (2015) Nevada Legislative Session.

- 2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

Copies of the notice of workshop and the notice of intent to act upon the regulations were sent by U.S. mail or via facsimile to all persons on the Authority’s mailing list for administrative rulemaking and to all passenger motor carriers licensed by the Authority. Copies of the notices of workshops and the notice of intent to act upon the regulations were also posted at all county libraries in Nevada and at the following locations:

Clark County Court House
200 Lewis Ave.
Las Vegas, NV 89155

Department of Business & Industry
555 E. Washington Blvd., Suite #4900
Las Vegas, NV 89101

Department of Business & Industry
1830 College Parkway, Suite #100
Carson City, NV 89706

Nevada State Library & Archives
100 N. Stewart St.
Carson City, NV 89701

Washoe County Court House
75 Court St.
Reno, NV 89501

Copies of all materials relating to the proposal were made available at the workshops and adoption hearing, at the offices of the Authority, on the Authority’s website at www.nta.nv.gov, and at the Nevada State Library, 100 North Stewart St., Carson City, NV.

Workshops were held on July 16, 2015 and July 23, 2015. On or about August 7, 2015, the Authority issued a Notice of Intent to Act Upon a Regulation. A public hearing was held on September 11, 2015. The minutes of the workshops and the public hearing, attached hereto, contain summaries of the discussion held regarding the proposed amendments.

A copy of this summary of the public response to the proposed regulation may be obtained from the Authority, 2290 South Jones Blvd. Suite 110, Las Vegas, Nevada 89146, (702) 486-3303.

3. **The number of persons who:**
 - a. **Attended each workshop/hearing:** July 16, 2015 — 73; July 23, 2015 — 51; September 11, 2015 — 90.
 - b. **Testified at each workshop/hearing:** July 16, 2015 — 31; July 23, 2015 — 20; September 11, 2015 — 10.
 - c. **Submitted to the agency written comments:** 21.

4. **For each person identified in paragraphs (b) and (c) of number 1 above, the following information if provided to the agency conducting the hearing:**

Testified at workshops:

A.R. Fairman
Aaron Leonard, Pure Hearts RVS
Alfredo Sardinias
Algtaj Dupree
Angie Palmer, Lyft mentor and driver
Arthur McClennan
Bill Schranko, 5225 W. Post Rd., Las Vegas, Nevada, 89118 (702) 873-8012
Brad Carson, Jobs Create Peace
Bruce Breslow, Director of Nevada Department of Business and Industry
Camina Stevenson representative of Lyft
Charlie Myers, Frias driver
Chris Hayashi, retired resident of Clark County
D.A. Ballinger, Los Angeles Lyft driver
Dave McCullough, Elite Taxi
Dennis Whitehead, Whittlesea driver
Eyv Childress (702) 561-6410
Gary Poley, Sunshine Taxi, (530) 541-0887
James Kent, 9480 S Eastern Ave # 224, Las Vegas, NV 89123, (702) 385-1100
James Rickett, City of Las Vegas, Business Licensing
Jeanne O'Doan, Whittlesea Checker Taxi
Joe Chicoski
John Griffin, Griffin Company on behalf of Uber
John Marushok, General Manager for Frias
Jonathan Schwartz, Yellow Cab
Josh Canales, prospective driver for Lyft
Josh Griffin, Griffin Company, Uber
Keith Oesterling

Kellie McKinley, Platinum LV Transportation
Kelly Kay, Lyft, Inc., 2300 Harrison St., San Francisco, CA 94109
Kimberly Maxson-Rushton, 6060 Elton Ave., Suite A, Las Vegas, NV 89107 (702) 366-1125
Krishna Juvvadi Senior Counsel, Uber
Lou Castro, Nevada Bus and Limo Association
Matt Griffin, representing Uber
Michael Hillerby, Lyft
Monica Lenoir, Network Nevada
Racquel Aniag, representative of Lyft
Ron Steinberg, REDD Technologies
Stanley Washington, World Ride Hailing Association (WRA)
Stephanie Edleman, United Steelworkers and driver for Frias
Steve Bromberg, taxi driver
Steve Siger, in house counsel for Uber
Steve Thompson, General Manager of Transportation, UBER
Timothy Burr, Lyft
Tony Clark, Nevada Bus and Limo Association

Submitted written comments:

Kristin Ames, 10900 Summer Quail Ave., Las Vegas, Nevada 89144
Michael Ames, 10900 Summer Quail Ave., Las Vegas, Nevada 89144
Anonymous (received 7/28/2015)
asjda@gmail.com
Michelle Bumgarner, 611 Sierra Rose Dr., Reno, Nevada 89511, (775) 825-2700
Eyv Childress (702) 561-6410
Stephen Denton, **jumpitrsa@gmail.com**
Stephanie Edelman, **stephanagle@aol.com**
Marc C. Gordon, Yellow Checker Star. 5525 W. Post Rd. Las Vegas, NV 89118 (702) 933-1642
John Griffin, Griffin Company, Lyft
Kelly Kay, Lyft, Inc., 2300 Harrison St., San Francisco, CA 94109
Jeff Kirk, **jeffkirk@gmail.com**
Karen Lee, **kelee759@gmail.com**
Lincoln Mihaere
Justin Pechonis, **jpvegas333@cox.net**
Juan Reyna(702) 460-6528, **reesports@gmail.com**
Manuel Ruiz, **bubba9077@gmail.com**
Kimberly Maxson-Rushton, 6060 Elton Ave., Suite A, Las Vegas, NV 89107 (702) 366-1125
Bill Schranko, 5225 W. Post Rd., Las Vegas, Nevada, 89118 (702) 873-8012
Jonathan Schwartz, 5225 W. Post Rd., Las Vegas, Nevada, 89118 (702) 873-8012
D. Neal Tomlinson, 3883 Howard Hughes Parkway, Suite 1100, Las Vegas, Nevada 89169 (702) 784-5200

- 5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained in the response to question #1 above.

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reason for adopting the regulation without change.**

Not applicable.

- 7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately and each case must include:**
- a. Both adverse and beneficial effects; and**
 - b. Both immediate and long-term effects**

The proposed regulations themselves will have no significant adverse or beneficial economic impact upon the regulated industry, either immediately or long-term. The new statutes which the regulations implement will have a profoundly beneficial impact on the regulated businesses, by authorizing their lawful operation in Nevada. The one-time Application fees established by the statutes and detailed in the regulations are approximately \$100 or less for each vehicle authorized to operate within the first two years of operation. The fee is nominal when considered on a “per vehicle” basis. Further, the fee will support beneficial compliance and enforcement action by the regulatory body, including action to eliminate unlawful operations that would be detrimental to the regulated community. Similarly, the longer-term regulatory assessment established by the statutes and detailed in the regulations is initially set at a nominal rate and will support the same beneficial compliance and enforcement operations by the Authority.

Similarly, the regulations themselves will have no significant adverse or beneficial economic impact upon the public, either immediately or long-term. However, the new statutes which the regulations implement will have a beneficial impact on the public, through employment opportunities in the new industry, availability of services provided by the new industry, and tax revenues generated by the new industry.

- 8. The estimated cost to the agency for enforcement of the adopted regulation.**

See attachment.

- 9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the**

duplication or overlapping is necessary. If the regulation overlaps or duplicates federal regulation, the name of the regulating federal agency.

There are not any regulations of other state or government agencies which the proposed regulation overlaps or duplicates.

- 10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

N/A

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

While the regulation does not independently create a new fee, the regulation sets the amount of the application fees established by AB 176 (78th Legislature 2015). The Authority expects to collect approximately \$700,000 in total application fees within the first year of the effective date of the regulations and less than \$100,000 annually thereafter. The revenue will be used to support the Authority's regulatory oversight of the industry.

- 12. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

The Authority has determined that the proposed regulation does not impose a direct and significant economic burden upon small business or restrict the formation, operation or expansion of a small business. Rather, the regulations enable the authorizing legislation, which the Legislature found will promote small business opportunity, and the formation, operation or expansion of small business. In making this determination the Authority considered that several representatives of affected businesses were present at the workshop and at the hearing; and that at the workshops and the hearing, Chairman Andrew J. MacKay and Presiding Officer Sakelhide asked the participants to address any impact on small business; and that no impacts on small business were identified for the regulation as adopted. All the significant burdens and benefits are created by the authorizing legislation rather than the proposed regulations. Additionally, the Authority afforded businesses additional time following the workshops to submit, in writing, any impacts the proposed regulation may have; no written comments have been received addressing such impacts.

Further discussion of small business impacts can be found in the statement prepared by Authority Chairman Andrew J. MacKay pursuant to NRS 233B.0608.