

**PROPOSED REGULATION OF THE
NEVADA TRANSPORTATION AUTHORITY**

LCB File No. R061-13

September 30, 2014

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

AUTHORITY: §§ 1-3, NRS 706.171; §4, NRS 706.171, NRS 706.321, and 706.351; §5, NRS 706.171, and 706.321; §6, NRS 706.171, 706.173, and 706.475.

A REGULATION relating to motor carriers; revising the definitions of “bus” and “livery limousine”; revising provisions relating to solicitation of passengers; revising provisions permitting the payment of an access fee to a designated agent who arranges transportation services through an electronic ride hailing system; revising provisions relating to fuel surcharges assessed by charter limousine operators; revising provisions governing the period during which certain motor vehicles may be placed in service as taxicabs; and providing other matters properly relating thereto.

Section 1. NAC 706.022 is hereby amended to read as follows:

706.022 “Bus” means any motor vehicle:

1. That was originally manufactured *and is currently configured* with a capacity of 16 or more persons, including the driver, designed, constructed and used for the transportation of passengers, their baggage and light express.

Sec. 2. NAC 706.080 is hereby amended to read as follows:

706.080 “Livery Limousine” means a motor vehicle engaged in the general transportation of persons for compensation that ~~[was]~~ :

1. *Was* originally manufactured as having a capacity of 9 or more persons but less than 16 persons, including the driver ~~[]~~; *or*

2. *Was originally manufactured as having a capacity of 16 or more persons, including the driver, but currently configured with a capacity of less than 16 persons, including the driver.*

Sec. 3. NAC 706.228 is hereby amended to read as follows:

706.228 1. A certificate holder who is a ~~[fully regulated carrier]~~ *common motor carrier of passengers* or his or her employee shall not solicit passengers.

2. A certificate holder or his or her 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;

(f) Conduct any other marketing activity which has been determined not to be solicitation by the Authority; or

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

(1) "May I help you?"

(2) "Good morning."

(3) "Good afternoon."

(4) “Good evening.”

3. While on duty at any passenger curb loading zone, a *common motor carrier of passengers or his or her employee* ~~[certificate holder who is authorized to provide charter service by limousine or special services, or an employee of the certificate holder,]~~ shall hold up or display a sign which is visible to the public that:

(a) Must be not more than 18 by 24 inches in size;

(b) Contains the company name, the “CPCN” number and the words “For Hire”; and

(c) Contains the approved rates for the vehicle in letters not less than 2 inches in height in sharply contrasting colors which are legible from a distance of at least 50 feet,

↳ unless the certificate holder or employee is waiting for a passenger who has arranged for the transportation by reservation or is seeking a specific passenger who has requested that the vehicle be dispatched to the location.

4. While on duty, a certificate holder who is a ~~[fully regulated carrier]~~ *common motor carrier of passengers* or his or her employee shall not stand a vehicle or park a vehicle within 50 feet of a designated taxicab stand unless:

(a) The taxicab stand is located at an airport owned by a governmental entity; or

(b) The Chair or his or her designee has authorized the certificate holder to stop or park the vehicle within 50 feet of the designated taxicab stand.

5. While on duty, a certificate holder who is a ~~[fully regulated carrier]~~ *common motor carrier of passengers* or his or her employee shall not stand within 50 feet of a designated taxicab stand unless:

(a) The taxicab stand is located at an airport owned by a governmental entity; or
(b) The Chair or his or her designee has authorized the certificate holder to stop or park within 50 feet of the designated taxicab stand.

6. As used in this section:

(a) “Passenger curb loading zone” has the meaning ascribed to it in [NRS 484B.033](#).

(b) “Solicit” includes, without limitation, inducing or attempting to induce persons by communication or other action to be transported. The term includes, without limitation:

(1) Except as otherwise provided in subsection 2, initiating conversation with potential passengers;

(2) Shouting information;

(3) Waving signs;

(4) Waving arms or hands;

(5) Flashing lights;

(6) Ringing bells;

(7) Blowing horns;

(8) Blocking access to other motor carriers; or

(9) Except as otherwise provided in subsections 2 and 3, 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. 4. 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 the Authority, or 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 or she holds.

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

2. An authorized carrier who is a fully regulated carrier may pay a commission or referral fee to a designated agent who arranges for the provision of transportation services by the carrier. Except as otherwise provided in subsection 6, a commission or referral fee authorized pursuant to this subsection must not exceed 10 percent of the rate, fare or charge specified in the carrier's tariffs for the type of service that the designated agent has arranged for the carrier to provide.

3. A designated 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.

4. All tickets issued by a carrier or its designated 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 Authority.

5. A carrier that uses or intends to use the services of a designated agent within this State shall keep a complete list of its designated agents which must be made available for review by the staff of the Authority.

6. An authorized carrier that provides scenic tours may pay a commission or referral fee of up to 35 percent to a designated agent who arranges for the provision of scenic tours by the carrier.

7. A designated agent who arranges transportation services through an electronic ride hailing system may, in addition to the commission or referral fees authorized in subsections 2 and 6, charge and collect a separate system access and payment fee directly from a passenger provided such fee does not exceed any maximum fee prescribed by order of the Authority.

Sec. 5. NAC 706.3555 is hereby amended to read as follows:

706.3555 1. In addition to the rates and fares included in the tariff on file with the Authority, a carrier authorized to provide charter service by limousine may charge and collect from the carrier's passengers a fuel surcharge in an amount determined pursuant to this section.

2. A carrier authorized to provide charter service by limousine who charges and collects a fuel surcharge shall compute the amount of the fuel surcharge on an hourly basis in accordance with the following table:

Fuel Price:	Surcharge per Hour:
\$2.25-2.74	\$2.00
\$2.75-3.24	\$3.00
\$3.25-3.74	\$4.00
\$3.75-4.24	\$5.00
\$4.25-4.74	\$6.00
\$4.75-5.24	\$7.00
\$5.25-5.74	\$8.00
\$5.75-6.24	\$9.00
\$6.25-6.74	\$10.00

3. *The minimum surcharge pursuant to subsection 2 is an amount equal to the appropriate surcharge for 1 hour as determined from the table set forth in subsection 2. Periods of more than 1 hour may be charged in increments of one-half hour.*

4. For the purposes of the table set forth in subsection 2, the fuel price must be determined in the following manner:

(a) For a limousine which does not use diesel fuel, the fuel price is an amount equal to the retail price per gallon of regular fuel effective for the 25th calendar day of the immediately preceding month according to the United States Department of Energy, Energy Information Administration survey on Weekly Retail Gasoline and Diesel Prices, Regular Grade - West Coast (PADD 5).

(b) For a limousine which uses diesel fuel, the fuel price is an amount equal to the retail price per gallon of diesel effective for the 25th calendar day of the immediately preceding month according to the United States Department of Energy, Energy Information Administration survey on Weekly Retail Gasoline and Diesel Prices, Diesel, All Types - West Coast (PADD 5).

~~4.~~ 5. The fuel prices described in paragraphs (a) and (b) of subsection 3 may be obtained by calling the United States Department of Energy, Energy Information Administration at (202) 586-8800 or on the Internet website of the United States Department of Energy, Energy Information Administration at www.eia.doe.gov.

~~5.~~ 6. A carrier authorized to provide charter service by limousine who intends to charge and collect a fuel charge ~~charge~~ *surcharge* pursuant to this section shall include in its tariff on file with the Authority the table and rules set forth in this section.

Sec. 6. NAC 706.3745 is hereby amended to read as follows:

706.3745 1. In addition to the requirements set forth in [NAC 706.379](#), *and except as otherwise provided in subsection 2*, a certificate holder that is authorized to operate taxicabs between points and places within a county whose population is ~~more than~~ 100,000 *or more* but

less than ~~400,000~~ 700,000 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. ~~##~~ *The provisions of subsection 1 do not apply to a certificate holder that is authorized to operate taxicabs only in areas within the county which are located outside of the city limits of any city whose population is 60,000 or more.*

3. *Except as otherwise provided in subsection 7, 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~~ 72 months after the date on which the vehicle was placed into service.

~~3. If~~

4. *Except as otherwise provided in subsection 7, 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~~ 60 months after the date on which the vehicle was placed into service.

~~4.~~ 5. Upon the receipt of a petition from a certificate holder, the 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.]~~ 6. 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.]~~ 7. *If a hybrid electric vehicle, as that term is defined in 40 C.F.R. § 86.1702-99, is acquired for use as a taxicab by a certificate holder, the period described in subsection 3 or 4 during which the hybrid electric vehicle may be operated as a taxicab is extended for an additional period of 24 months.*

8. If the Authority determines that a certificate holder has violated any provision of this section, the 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 Authority inspects the taxicab and verifies that the violation has been corrected.

