



DEPARTMENT OF BUSINESS AND INDUSTRY

**NOTICE OF INTENT TO ACT UPON A REGULATION  
and  
NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS**

The Nevada Transportation Authority ("Authority") will hold a public hearing at 9:00am on Wednesday, November 2, 2016. The public may attend the hearing at the following locations:

*By teleconference:*

**Nevada Transportation Authority  
1755 E. Plumb Lane, Ste. 216  
Reno, NV 89502**

**Nevada Transportation Authority  
2290 S. Jones, Ste. 110  
Las Vegas, Nevada 89146**

The purpose of the hearing is to receive comments from all interested persons and for the Authority to take action regarding the adoption of certain regulations revising provisions relating to the annual regulatory assessment paid by a transportation network company. The proposal has been designated as Docket 16-05004 by the Authority and as File No. R136-16 by the Nevada Legislative Counsel Bureau.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The proposed amendment of certain regulations in Nevada Administrative Code Chapter 706A are necessary to revise provisions relating to the annual regulatory assessment paid by a transportation network company as required by NRS 706A.140.
2. The estimated impact of the regulations:
  - a) The proposed regulations will not have a significant adverse or beneficial economic impact upon the regulated industry, either immediately or long-term.
  - b) The proposed regulations will have not a significant adverse or beneficial economic impact upon the public, either immediately or long-term.

The Authority notes that these assessments of impact are limited to the impacts of the proposed amended regulations themselves.

3. The Authority determined the impact on small business as required pursuant to NRS 233B.0608 by taking and analyzing written and verbal comments from the public and from businesses to be affected by the proposed regulations in public in a special general session meeting on June 29, 2016, and at individual meetings with the transportation network companies during the process of drafting and editing the proposed amendment.
4. The Authority has incurred and is anticipated to continue to incur additional enforcement and regulatory oversight expenses as a result of the enactment of NRS 706A and NAC 706A. The Authority anticipates such expenses being met by revenue from the regulatory assessment amended by the proposed regulation as required by NRS 706A.140.
5. The Authority is not aware of any overlap or duplication of the proposed regulations with any regulations of other state or local governmental agencies.
6. The proposed regulations are not required pursuant to federal law.

7. The proposed regulations are not more stringent than any federal regulation that regulates the same activity.
8. The proposed regulations implement the regulatory assessment fee established by NRS 706A.140. The proposed regulations do not otherwise establish a new fee or increase an existing fee.

Persons wishing to comment on the proposed action of the Authority may appear at the scheduled public hearing or address their comments, data, views or arguments, in written form, to the Nevada Transportation Authority, attn.: David Newton, Nevada Transportation Authority, 2290 South Jones Blvd., Suite #110, Las Vegas, Nevada 89146, (702) 486-3303, [dnewton@nta.nv.gov](mailto:dnewton@nta.nv.gov). Written submissions must be received by the Authority no later than **5:00 pm, October 30th, 2016**. If no person who is directly affected by the proposed revisions appears to request time to make an oral presentation, the Authority may proceed immediately to act upon any written submissions.

A copy of this notice and the text of the proposed regulation revisions will be on file at the Nevada State Library & Archives, 100 North Stewart Street, Carson City, Nevada 89701 for inspection by members of the public during normal business hours. Additionally, copies of this notice and the text of the proposed regulation revisions will be on file at the offices of the Nevada Transportation Authority at 2290 South Jones Boulevard, Suite 110, Las Vegas, Nevada 89146 and 1755 East Plumb Lane, Suite 216, Reno, Nevada 89502 for inspection by members of the public during normal business hours. Copies of this notice and the text of the proposed regulation revisions will be available for inspection at the main public library in all counties in which an office of the Authority is not maintained. This notice and the text of the proposed regulation revisions are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Nevada Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at: [www.leg.state.nv.us/register](http://www.leg.state.nv.us/register) Copies of this notice and the text of the proposed regulation revisions will also be mailed to members of the public upon request. If deemed necessary, a reasonable fee may be charged for copies.

Pursuant to NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been sent to all passenger motor carriers certificated by the Nevada Transportation Authority, to all persons on the Authority's mailing list for administrative regulations, and posted at the following locations:

Clark County Court House, 200 Lewis Avenue, Las Vegas, NV 89101  
Washoe County Court House, 75 Court Street, Reno, NV 89501  
Nevada State Library & Archives, 100 North Stewart Street, Carson City, NV 89701  
Carson City Library, 900 North Roop Street, Carson City NV 89702  
Churchill County Library, 553 South Main Street, Fallon, NV 89406  
Clark County District Library, 833 Las Vegas Boulevard North, Las Vegas, NV 89101  
Douglas County Library, 1625 Library Lane, Minden, NV 89423  
Elko County Library, 720 Court Street, Elko, NV 89801  
Esmeralda County Library, Corner of Crook & 4<sup>th</sup> Streets, Goldfield, NV 89013  
Eureka Branch Library, 10190 Monroe Street, P.O. Box 293, Eureka, NV 89316  
Humboldt County Library, 85 East 5<sup>th</sup> Street, Winnemucca, NV 89445  
Lander County Library, 625 South Broad Street, Battle Mountain, NV 89820  
Lincoln County Library, 63 Main Street, Pioche, NV 89043  
Lyon County Library, 20 Nevin Way, Yerington, NV 89447  
Mineral County Public Library, 110 1<sup>st</sup> Street, Hawthorne, NV 89415  
Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419  
Storey County Public Library, 95 South R Street, Virginia City, NV 89440  
Tonopah Public Library, 167 Central Street, Tonopah, NV 89049  
Washoe County Library, 301 South Center Street, Reno, NV 89501  
White Pine County Library, 950 Campton Street, Ely, NV 89301  
Department of Business and Industry, 555 E. Washington Ave., Suite #4900, Las Vegas, NV 89101  
Department of Business and Industry, 1830 College Parkway, Suite #100, Carson City, NV 89706  
Nevada Transportation Authority, 2290 South Jones Boulevard, Suite #110, Las Vegas, NV 89146

NOTICE: The Authority is pleased to make reasonable accommodations and will assist and accommodate people with a disability who wish to attend its meetings and hearings. If special arrangements are necessary, please contact the Authority in Las Vegas at (702) 486-3303 or in Reno at (775) 688-2800 as far in advance of the workshop as possible.

Dated: September 30, 2016





DEPARTMENT OF BUSINESS AND INDUSTRY


**NRS 233B.0608(3) STATEMENT**  
**Docket 16-05004, LCB File No. R136-16**

Before conducting workshops in this matter, the Nevada Transportation Authority made a concerted effort to determine whether the proposed regulations are 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. The methods used by the Authority in this effort included taking and analyzing written and verbal comments from the public and from businesses to be affected by the proposed regulations in public Special General Session Meeting and Workshop on June 29, 2015. Despite repeated invitations for comment (either written or oral) identifying small business impacts of the proposed regulations, and extensive commentary from current and prospective small business owners, no such impacts attributable to the regulations (as opposed to the authorizing legislation) has been identified. NTA Commissioners and/or staff have met individually at least twice with Uber, Lyft and Get Me, the three currently-licensed transportation network companies, regarding the impact of the proposed regulations, with appropriate edits including the addition of a lower tier being added to NAC 706A.190(2).

The Authority determined pursuant to NRS 233B.0608(1) that the proposed regulations are not 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. Further, the proposed regulations will not have a significant adverse or beneficial economic impact upon the regulated industry, either immediately or long-term, and the proposed regulations will have not a significant adverse or beneficial economic impact upon the public, either immediately or long-term. Accordingly, the agency has not prepared the statement referenced in NRS 233B.0608(2)(b).

The Authority notes that these assessments of impact are limited to the impacts of the proposed regulations themselves, and that the amendments are in accord with the requirements of NRS 706A.140.

I hereby certify that, to the best of my knowledge and belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement is accurate.

  
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KEITH SAKELHIDE, Commissioner



**PROPOSED REGULATION OF THE  
NEVADA TRANSPORTATION AUTHORITY**

**LCB File No. R136-16**

September 15, 2016

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

AUTHORITY: §§1 and 2, NRS 706A.100, 706A.110, 706A.140 and 706A.240.

A REGULATION relating to transportation network companies; revising provisions relating to the annual regulatory assessment paid by a transportation network company; 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. (NRS 706A.110) Existing law requires the Authority to levy and collect an annual assessment from each transportation network company at a rate determined by the Authority based on the gross operating revenue derived from the intrastate operations of the company in this State. (NRS 706A.140) Existing regulations establish the annual regulatory assessment for a transportation network company. (NAC 706A.190) **Section 1** of this regulation changes the method for calculating the annual regulatory assessment for a transportation network company and establishes certain dates relating to the assessment process. **Section 2** of this regulation applies the revised method for calculating the annual regulatory assessment for transportation network companies to assessments due in calendar year 2016 and in each subsequent calendar year.

Existing law requires each transportation network company to provide an annual report to the Authority and requires the Authority to adopt regulations setting forth the form and contents of the annual report. (NRS 706A.240) **Section 1** establishes the contents of the annual report each transportation network company is required to submit to the Authority and makes the annual report confidential.

**Section 1.** NAC 706A.190 is hereby amended to read as follows:

706A.190 1. One year after the date of issuance of a permit to a transportation network company, the company shall, within 10 days ~~+~~ *and annually thereafter on or before July 10,* submit to the Authority a statement of the *category described in subsection 2 which includes 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 ~~+~~ *determined pursuant to subsection 2.*

2. The *annual* regulatory assessment described in subsection 1 must be calculated ~~at a rate of 1 percent~~ *on the basis* 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.~~ *as described in the following schedule:*

- (a) For a company with an annual gross operating revenue of \$250,000 or less.....\$1,000*
- (b) For a company with an annual gross operating revenue of more than \$250,000 but not more than \$500,000.....\$6,000*
- (c) For a company with an annual gross operating revenue of more than \$500,000 but not more than \$1,000,000.....\$30,000*
- (d) For a company with an annual gross operating revenue of more than \$1,000,000 but not more than \$2,500,000.....\$60,000*
- (e) For a company with an annual gross operating revenue of more than \$2,500,000 but not more than \$5,000,000.....\$150,000*



(f) For a company with an annual gross operating revenue of more than \$5,000,000 but not more than \$7,500,000.....	\$300,000
(g) For a company with an annual gross operating revenue of more than \$7,500,000 but not more than \$10,000,000.....	\$420,000
(h) For a company with an annual gross operating revenue of more than \$10,000,000.....	\$500,000
(i) For a company whose permit limits the operation of motor vehicles in affiliation with the company to providing nonprofit transportation services to elderly persons and persons with disabilities with an annual gross operating revenue of any amount.....	\$600

➡ The Authority will annually reevaluate the ~~[regulatory assessment rate]~~ schedule described in *this subsection* based upon the total revenues generated from the fees set forth in NAC 706A.150 and the expenses of the Authority for the regulation of transportation network companies.

3. *Payment of an annual regulatory assessment is due:*

- (a) *Within 11 days after the Authority issues to a transportation network company the notice of its first annual regulatory assessment; and*
- (b) *On or before July 31 of each subsequent year.*

4. *On or before May 15 of each year, each transportation network company shall, pursuant to NRS 706A.240, submit an annual report to the Authority, on a form prescribed by the Authority, which must include, for the preceding calendar year:*

*(a) A description of the services performed in this State by the transportation network company;*

*(b) The number of trips arranged in this State using the digital network or software application service of the transportation network company;*

*(c) The total number of drivers for which the transportation network company provided notice to the Authority pursuant to subsection 2 of NAC 706A.180, reported separately for each month;*

*(d) The category described in subsection 2 which includes the gross operating revenue of the transportation network company derived from the Nevada intrastate operations of the company for that year of operation; and*

*(e) A description of any new products launched in this State by the transportation network company.*

*5. Each annual report submitted by a transportation network company pursuant to subsection 4 is confidential and must not be disclosed to any person other than an employee of the Authority.*

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

**Sec. 2.** 1. The Nevada Transportation Authority will apply the provisions of NAC 706A.190, as amended by section 1 of this regulation, to determine the amount of each annual assessment levied and collected pursuant to NRS 706A.140 in calendar year 2016 and in each calendar year thereafter.



2. If a transportation network company has submitted a payment of the annual assessment levied against the company pursuant to NRS 706A.140 on or after January 1, 2016, and on or before the effective date of this regulation, the Nevada Transportation Authority will credit the amount paid by the company toward the amount owed by the company pursuant to NAC 706A.190, as amended by section 1 of this regulation, in calendar year 2016.

3. The Nevada Transportation Authority will, within 15 days after the effective date of this regulation, determine the amount of the annual assessment owed by each transportation network company in calendar year 2016 and credit any payments made pursuant to subsection 2. If the Nevada Transportation Authority determines that the transportation network company has paid more than the company owes, the Authority will refund the overpayment. If the Nevada Transportation Authority determines that the transportation network company has not paid the full amount owed, the Authority will notify the company of the amount due. A transportation network company which receives such a notice shall pay the amount due within 15 days after receipt of the notice.