

Agenda Item# 70

**Additional material presented at
the meeting.**

Memo re: Agenda Item #70 – Docket 20-09020 Petition to Deviate, Luxury Limousine of Las Vegas, LLC

Luxury Limousine leased a Mercedes Sprinter from First Class Customs, Inc. The NTA granted temporary authority to place the vehicle into service during September 2020. Staff inspected the vehicle and had issues with the fact that First Class Custom was not a Mercedes certified upfitter and that the vehicle was a “truck” instead of an “incomplete vehicle.”

This matter has been continued for several NTA meetings. At this time, we offer the following information in our effort to persuade the NTA to approve this vehicle for service.

The NTA has stated that the requirement is that the upfitter must be certified as such by the manufacturer. In this case that would be Mercedes. This is based on an advisory opinion adopted by the NTA at its meeting dated January 12, 2016, Item # 99. The NTA approved the requested advisory opinion and has applied it to the charter bus industry since that time. Exhibit 1. It is our assertion that this action violated the requirements of the Nevada Administrative Procedures Act set forth in Chapter 233B of the Nevada Revised Statutes (“NRS”). Specifically, examining the definition of Regulation stated in NRS 233B.038, “Regulation means: 1. (a) an agency rule, standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of any agency... 2. The term does not include: (f) An advisory opinion issued by an agency that is not of general applicability:” If the NTA had approved the requested advisory opinion and applied it solely to the requestor of the opinion it would not be of general applicability. Having applied it generally, the opinion clearly falls within the definition of a regulation and was not properly adopted following the procedural requirements of the Administrative Procedure Act. That failure makes the “regulation” void and unenforceable. Exhibit 2.

If we are to assume, *arguendo*, that it is not a regulation, as your Deputy Attorney General asserts, then a closer look at the actual language of the motion reveals that the NTA has been incorrectly applying the opinion. The specific language in Exhibit 1 states, “The Authority opined that for a vehicle modified by an upfitter to be considered ‘originally manufactured’ with the post-upfitting seating capacity, there must be a documented chain of custody of the vehicle from the manufacturer to the first retail purchaser, with all seating capacity modifications to occur prior to the first retail delivery of the vehicle to an end-user, and all such modification performed only by an NHTSA-certified upfitter.” Emphasis added.

In this instant case First Class Custom was at the time of the upfitting and remains a NHTSA certified upfitter. Exhibit 3 which provides the NHTSA manufacturer’s ID no. 7322. Staff acknowledged this in their report to the NTA by Desiree Main. “According to NHTSA they have been identified as an approved manufacturer/upfitter since July 2015 for class 3 vehicles.” Exhibit 4. In fact, staff’s objection was focused on the vehicle not being upfitted by a Mercedes certified upfitter which is not the standard adopted by the NTA and the fact that the vehicle plate states “truck” instead of “incomplete vehicle.”

Jenna Randall of Luxury Limousine conversed with Rich Woodford of Mercedes (who was present and spoke to the NTA when they adopted the advisory opinion). “there are no safety related or Mercedes manufacturing details that are different between a Standard 3500 Series Truck vs. a Standard 3500 Series Incomplete Vehicle. In fact some “truck” options offer a higher payload capacity which would

have a positive affect and make them more safe. NTA staff told Ms. Randall that the reason they ask for an "incomplete vehicle" is because that vehicle cannot be registered and utilized until an upfitter adds their final sticker to the vehicle. Attached is Exhibits 5(a) and (b) showing the chain of custody (including a CARFAX), Exhibit 6 showing the inspection report and Exhibit 7 showing the depiction of a truck. The distinction between a "truck" and an "incomplete vehicle" is the "truck" has a shell on the chassis along with the cab, whereas the "incomplete vehicle" has on the chassis and cab. The issue of "truck" vs. "incomplete vehicle" is one of a difference without a distinction. It should be noted that the adoption of the advisory opinion says nothing about the requirement that the vehicle be an "incomplete vehicle." Once again NTA is attempting to impose standards not adopted, even assuming the advisory opinion was properly adopted, which do not concede.

Throughout this process NTA has asserted various requirements to be met, but they do not exist anywhere in the advisory opinion or in the Nevada administrative code applying to buses. NAC 706.379 was cited by staff at a prior NTA meeting, but this regulation only state applicability to limousines and livery limousines. There is no mention of buses. Staff also, referenced other carriers having been approved for use vehicles but when a public record request was made to see such approvals and documentation the response was there are no records. The only thing provided was the agenda and minutes of the January 2016 NTA meeting at which the "advisory opinion" was adopted.

Based on the foregoing discussion, Luxury Limousine of Las Vegas, LLC, respectfully requests that the NTA vote to approve the placing of the Sprinter into service, as it has been on a temporary basis for the past four months without issue.

Exhibit 1

Commissioner Sakelhide discussed the procedural history and the intent of the regulation. A discussion ensued with regard to modification of vehicles by manufacturer approved upfitters. Rich Woodford, Mercedes Benz of Henderson, stated NHTSA (National Highway Traffic Safety Administration) certified standards are required after vehicle is upfitted. Kimberly Maxson-Rushton, Esquire questioned the NHTSA standards and liability issues. Chief of Enforcement Bradford questioned how to determine if an upfitter is NHTSA certified. Tony Clark, 24/7 stated a license number is issued.

The Authority opined that for a vehicle modified by an upfitter to be considered "originally manufactured" with the post-upfitting seating capacity, there must be a documented chain of custody of the vehicle from the manufacturer to the first retail purchaser, with all seating capacity modifications to occur prior to the first retail delivery of the vehicle to an end-user, and all such modification performed only by an NHTSA-certified upfitter.

Approved 3-0

100. Public Comment

Tony Clark, 24/7 Limousines requested several modifications be made to the TNC regulations during the workshop.

101. Adjournment

Meeting adjourned at 4:35 p.m.

Exhibit 2

NRS 233B.038 "Regulation" defined.

1. "Regulation" means:

- (a) An agency rule, standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of any agency;
- (b) A proposed regulation;
- (c) The amendment or repeal of a prior regulation; and
- (d) The general application by an agency of a written policy, interpretation, process or procedure to determine whether a person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest.

2. The term does not include:

- (a) A statement concerning only the internal management of an agency and not affecting private rights or procedures available to the public;
 - (b) A declaratory ruling;
 - (c) An intraagency memorandum;
 - (d) A manual of internal policies and procedures or audit procedures of an agency which is used solely to train or provide guidance to employees of the agency and which is not used as authority in a contested case to determine whether a person is in compliance with a federal or state statute or regulation;
 - (e) An agency decision or finding in a contested case;
 - (f) An advisory opinion issued by an agency that is not of general applicability;
 - (g) A published opinion of the Attorney General;
 - (h) An interpretation of an agency that has statutory authority to issue interpretations;
 - (i) Letters of approval, concurrence or disapproval issued in relation to a permit for a specific project or activity;
 - (j) A contract or agreement into which an agency has entered;
 - (k) The provisions of a federal law, regulation or guideline;
 - (l) An emergency action taken by an agency that is necessary to protect public health and safety;
 - (m) The application by an agency of a policy, interpretation, process or procedure to a person who has sufficient prior actual notice of the policy, interpretation, process or procedure to determine whether the person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest;
 - (n) A regulation concerning the use of public roads or facilities which is indicated to the public by means of signs, signals and other traffic-control devices that conform with the manual and specifications for a uniform system of official traffic-control devices adopted pursuant to NRS 484A.430;
 - (o) The classification of wildlife or the designation of seasons for hunting, fishing or trapping by regulation of the Board of Wildlife Commissioners pursuant to the provisions of title 45 of NRS; or
 - (p) A technical bulletin prepared pursuant to NRS 360.133.
- (Added to NRS by 1977, 1383; A 1999, 2406; 2013, 159)



FIRST CLASS CUSTOMS, INC.

Manufacturer ID 7322
Common Name FIRST CLASS CUSTOMS, INC.
Previous Legal Name
URL www.fccustomsinc.com
All Company DBAs First Class Customs, Inc.
Trade/Brand Names
Principal Name Jay M Glick
Principal Position President
Address 2051 E. Kearney St., Bldg. B
 Springfield, MISSOURI 65803 UNITED STATES (USA)

Contact Name Jay M Glick
Contact Position President
Contact Business Phone (417)832-0751
Business Fax Number (417)832-0614
Contact Business Email jay@fccustomsinc.com
Production Start Date 07/30/2015
Production End Date
Updated On 03/21/2018

Equipment Types

Type Other (Motor vehicle equipment not covered by FMVSS)

Manufacturer Types

Type Completed Vehicle Manufacturer, Vehicle Alterer, Incomplete Vehicle Manufacturer, Final-Stage Vehicle Manufacturer

Vehicle Types

Is Primary	Vehicle Type	GVWR From	GVWR To
<input type="checkbox"/>	Bus	Class 2G: 8,001 - 9,000 lb (3,629 - 4,082 kg)	Class 3: 10,001 - 14,000 lb (4,536 - 6,350 kg)
<input type="checkbox"/>	Multipurpose Passenger Vehicle (MPV)	Class 1A: 3,000 lb or less (1,360 kg or less)	Class 3: 10,001 - 14,000 lb (4,536 - 6,350 kg)
<input type="checkbox"/>	Incomplete Vehicle	Class 2G: 8,001 - 9,000 lb (3,629 - 4,082 kg)	Class 3: 10,001 - 14,000 lb (4,536 - 6,350 kg)

Action History

Change Date	Reference
3/21/2018	BFB999BD-6042-48DC-A7FC-ECE853BE4E4C
12/8/2014	ORG10352

NHTSA Recall Data: For vehicle-specific Federal Recall for major light auto automakers, please use NHTSA's Recall VIN Lookup at

For any additional information and questions, Contact NHTSA Manufacturer Helpdesk at

at 1-888-686-8277

U.S. DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

1201 New York Avenue, NE

Washington, DC 20590

Phone: 202-365-2700

Toll-free: 1-800-424-9091



NHTSA Upfitter Certifications

49 U.S.C. Section 30115 and 49 C.F.R. Part 567 provide for the self-certification of compliance with FMVSS. The following letter from NHTSA's Chief Counsel in response to an inquiry by a dealer discusses certification requirement.

Mr. Robert B. Dix, Jr.
Fleet Manager
JKJ Chevrolet
Koons Plaza
2000 Chain Bridge Road
Vienna, VA 22180
Dear Mr. Dix:

This responds to your letter requesting information concerning "after market upfittings". You indicate that you intend to bid on Federal, State or County motor vehicle solicitations and it appears that a number of these solicitations contain specifications that would require "after market upfittings". You asked how our regulations would affect those "after market upfittings".

As you may know, the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.) prohibits the sale or introduction into interstate commerce of any new vehicle or item of motor vehicle equipment that does not conform to all applicable Federal motor vehicle safety standards. The Safety Act authorizes NHTSA to issue these safety standards. NHTSA does not have authority to approve, endorse, or offer assurances of compliance to a manufacturer's motor vehicles or motor vehicle equipment. Rather, the Safety Act established a "self-certification" process, in which each manufacturer is responsible for certifying that its products meet all applicable safety standards.

It is not clear from your letter whether "after market upfittings" means that you will be altering motor vehicles while they are still new, i.e., before they have been sold to a consumer for the first time or that you will be making modifications to used vehicles, i.e., ones that have been purchased already. The requirements applicable to the "after market upfittings" vary, depending on whether the alteration is performed before or after the vehicle has been sold to a consumer for the first time.

I will discuss first the requirements that would apply if you modify vehicles that are new. As modified, the vehicles must continue to comply with all applicable standards, since section 108(a)(1)(A) of the Safety Act prohibits the sale of any vehicle that does not comply with all applicable Federal motor vehicle safety standards. Further, the agency's certification requirements in Part 567 of the Code of Federal Regulations applies to any person who changes previously certified vehicles by means other than the addition, substitution, or removal of readily attachable components or minor finishing operations, or in such a manner that the weight ratings assigned to the vehicle are no longer valid. Such a person is considered an "alterer" for purposes of Part 567 (copy enclosed). The person performing the modifications set forth in your letter (installing a bench seat or

adding auxiliary springs) would be considered an alterer, because seats and springs are not readily attachable components.

In this situation, 49 CFR 567.7 requires that:

(1) The alterer supplement the existing manufacturer certification label by affixing an additional label stating that the vehicle as altered conforms to all applicable Federal motor vehicle safety standards as well as stating the firm or individual name of the alterer and the month and the year in which the alterations were completed (see /567.7(a)); (2) The modified values for the vehicle be provided as specified in //567.4(g)(3) and (5), if the gross vehicle weight ratings or any of the gross axle weight ratings of the vehicle as altered are different from those shown on the original certification label (see /567.7(b)); and (3) The type classification be provided, if the vehicle as altered has a different type of classification from that shown on the original certification.

In addition to these certification requirements, an alterer is considered a "manufacturer" for the purposes of notification and recall for defects or noncompliance under the Safety Act and is subject to the requirements of 49 CFR Part 573, Defect and Noncompliance Reports.

With respect to your first point, i.e., that you believe you should "(o)btain from the company doing the work a certification that the after market upfitting meets National Highway Safety Standards," the alterer is required to certify that the altered new vehicle complies with all applicable Federal safety standards.

I am not sure that I understand your second point, i.e., that if a bench seat is installed in a cargo van, the van must have a side door that can be opened from the inside. If you are speaking of an obligation to make some modification to an existing side door, the door would be governed by Standard No. 206, Door locks and door retention system (See 49 CFR 571.206). S4 of Standard 206 provides that the standard's requirements apply to "any side door leading directly into a compartment that contains one or more seating accommodations" and specifies different strength and lock requirements for different types of doors. The addition of a bench seat to what was formerly the cargo compartment would convert that compartment into one subject to S4. The safety standard does not require that the inside rear door handles be operative.

If your second point refers to an obligation to install a side door because you install a bench seat, that is not correct. The Federal motor vehicle safety standards do not impose an obligation that there be a side door in a van. With all of the preceding statements, however, you should note that section 108(c) of the Safety Act provides that compliance with our standards does not exempt any person from any liability under common law. Accordingly, you may wish to consult with a private attorney regarding any product liability concerns you may have about the operability of the door.

Your third point is that you believe that you must place "a decal, label, or some form of paperwork in the vehicle indicating the results of the upfitting." If the "after market upfittings" to which you refer are made to a new vehicle, /567.7 requires the alterer to

permanently affix to the vehicle a label setting forth the information specified in that section.

Having discussed the requirements applicable to new vehicles, I now turn to discussing those applicable to used vehicles. If the "after market upfittings" are modifications to used vehicles (in this case, vehicles sold and delivered to a public authority), section 108(a)(2)(A) of the Safety Act applies. This section prohibits any manufacturer, distributor, dealer or motor vehicle repair business from knowingly rendering inoperative any equipment or element of design installed on a vehicle in compliance with our standards. Thus, neither your dealership nor any company that is a repair business or manufacturer can alter legally any vehicle that complies with all applicable Federal motor vehicle safety standards when you receive it (as certified on the motor vehicle by the original manufacturer), in such a way that the vehicle no longer complies with the applicable safety standards.

If the vehicles in question are used vehicles at the time of their modification, the company performing the modifications is not required to provide a separate certification, as discussed in your points 1 and 3. Since you, as the dealer, may be held responsible under section 108(a)(2)(A) for any rendering inoperative by a company acting as your agent, you may wish to get written assurances from the modifier that it has made the modifications in a manner which will not take the vehicle out of compliance with the Federal motor vehicle safety standards. However, that matter is left for your dealership and the modifier to resolve.

As an aid to helping you determine which standards may apply to the modified vehicles, I am enclosing a publication entitled "Federal Vehicle Safety Standards and Procedures." This pamphlet indicates which standards apply to which vehicle types. I also have enclosed a general information sheet for new manufacturers that gives a general description of the applicable regulations, and explains how to get copies of those regulations. I hope this information proves helpful. Please contact this agency again if we can be of further assistance.

Sincerely,

Erika Z. Jones Chief Counsel

Enclosures ref:VSA:567 d:12/29/87

Exhibit 4

Assigned: Compliance Audit Investigator Desirée Main

Docket: 20-09020

Luxury Limousines of Nevada – CPCN 2248 – Petition to Deviate

This carrier has put two other Mercedes Sprinters in service in January 2018 and July 2020. Both vehicles were put into service with General Manager, Jenna Randall. For those inspections the NTA required the same documents and the carrier was able to produce them and subsequently the vehicles were approved by NTA Investigators. This is evident that the carrier was aware of the requirements for placing a Mercedes Sprinter into service.

Specific to the current Sprinter:

01/2019 – Manufactured by Daimler (Manufacturer Daimler AG's sticker indicates vehicle was sold fully manufactured as a 'truck')

07/2019 – A carrier out of South Carolina, Carolina's Executive Limo Line, Inc purchased the vehicle from First Class Customs, Inc

08/2019 – The Vehicle was upfitted by First Class Customs, Inc

09/2020 – Vehicle is leased by First Class Customs, Inc to Luxury Limousines of Las Vegas, LLC

09/2020 – Luxury Limousines of Las Vegas scheduled a vehicle inspection with me. This vehicle did not pass inspection because it was a fully manufactured truck by Daimler as indicated by the door tag. The chain of custody shows that it was purchased as a truck by Carolinas Executive Limo Line then upfitted by First Class Customs, Inc. So, it is evident by review of the documents that the vehicle was not in the possession of Mercedes through upfitting.

First Class Customs primarily upfits Mercedes Sprinters as evident by their website. [According to NHTSA they have been identified as an approved manufacturer/up-fitter since July 2015 for class 3 vehicles (10,001-14,000lbs).] In reading reviews of this company (First Class Customs) most of them are positive in nature. Those that are rated low are non-descriptive and do not provide any real negative comments to base my review on. With the interim order the Carrier provided a Master Upfitter Certificate for 2017/2018 for First Class Customs. However, this vehicle was upfitted in 2019. I did search the Master Upfitter portal and based on my investigation it does not appear that First Class Customs, Inc was recognized as a Daimler Master Upfitter during the time this vehicle was upfitted.

I do not support the addition of this vehicle because it does not fit the clearly outlined requirement of adding a Mercedes Sprinter under a charter bus CPCN. As previously stated, this carrier is very aware of the requirements of adding these types of vehicles as they have been compliant with these requirements in the past.

My investigation of this specific vehicle based on the vin number resulted in finding three recalls out on this vehicle that are marked as unresolved according to NHTSA. Should the Commission allow this vehicle to be put into service my recommendation would be that the carrier be required to provide proof that the safety related recalls are addressed. Once resolved, the carrier should be required to provide written proof from the manufacturer (as required by NHTSA) that these items have been resolved.

Exhibit 5(a)



First Class Customs, Inc.

"Where Our Service, Reliability & Craftsmanship"
IS SECOND TO NONE"

30 YEARS OF LIMOUSINE MANUFACTURING EXPERIENCE

2051- B East Kearney St. Springfield, Mo 65803

P - (800) 862-6899 F - (417) 862-0614

www.firstclasscustomsinc.com

PRO # 19030		Salesperson : J. Glick	
Purchaser's Name : Carolina's Executive Limo Line, Inc.		Date : 7/23/2019	
Contact : Justin Bailey		Make/ Model/Year : MERCEDES SPRINTER 2019	
Address : 164 Market St, Ste D172		VIN # WD3PF4CD1KP075636	
City : Charleston State: SC		Exterior Color : White Interior : BLACK	
Phone Number : 843-564-3456 ZIP: 44133		Fax Number :	
Email Address :			

14 - Passenger Limo Edition Standard Features	Chassis Features
<ul style="list-style-type: none"> Maybach Ceiling With White Lighting Double J-Seating With Custom Storage Below With Lighting Front & Rear Lower Wall with Tinted Plexi over TV Seating & Side Walls in Austin Halo Soft Touch Front Cabin OEM Trim Dipped to Match Rear Wood Firefly Electrical System With Dimming Touch Pad & Power Divider Double Din Touch Screen DVD Player w/Bluetooth (1) 50" LED Samsung TV - Rear, (1) 43" LED Samsung TV - Front 60,000 BTU A/C w/Compressor, Condenser & Evaporator Custom Fiberglass Running Boards with LED Step Lighting Emergency Egress Window 	<ul style="list-style-type: none"> 3500 Series Extended High Top 170" GVW 11,000 LWB 6 Cylinder 3.0 L 188 Hp Turbo Diesel BlueTEC 7-Speed Automatic Transmission 14V 220 Amp Alternator Suspension 1 Package, Stabilizer Reinforcement High Idle Fixed Package (PSM) Driver Comfort Package, Comfort Front Seats Two Stage Sliding Door Window Fleet Package

Elegant Wall Styles	Headliner Trim Colors	Additional Options
<ul style="list-style-type: none"> Front & Rear Walls With Austin Halo Soft Touch <input checked="" type="checkbox"/> Front & Rear Walls With Diamond Cut Inserts <input type="checkbox"/> Front & Rear Walls With Suede <input type="checkbox"/> 	<ul style="list-style-type: none"> Ecru Alcantara <input type="checkbox"/> Platinum Alcantara <input type="checkbox"/> Black Alcantara <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Stainless Ceiling \$ 1,500.00 <input type="checkbox"/> Shelf in Luggage Area \$ 500.00 <input type="checkbox"/> Rear Hitch & Wiring \$ 750.00 <input checked="" type="checkbox"/>

Elegant Window Shades	Seat & Insert Color	Additional Options
<ul style="list-style-type: none"> Mocha <input type="checkbox"/> Ebony Black <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Black w/Black Perf <input checked="" type="checkbox"/> Tan w/ Tan Perf <input type="checkbox"/> 	<ul style="list-style-type: none"> In Dash Navigation \$ 1,100.00 <input type="checkbox"/> Tailgate Package \$ 3,750.00 <input type="checkbox"/> In Dash Navigation \$ 1,100.00 <input type="checkbox"/> Power Awning \$ 6,000.00 <input checked="" type="checkbox"/> Restroom \$ 5,500.00 <input type="checkbox"/>

Wood Colors	Ger Floor Colors	Additional Options
<ul style="list-style-type: none"> Walnut <input type="checkbox"/> Burl <input type="checkbox"/> Black Walnut <input type="checkbox"/> Carbon Fiber <input type="checkbox"/> High Gloss Black <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Rosewood <input type="checkbox"/> Kruger (Gray) <input type="checkbox"/> Century Oak <input type="checkbox"/> Manor Oak <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> X-Box 1 \$ 500.00 <input type="checkbox"/> Upgraded Alpine Speakers \$ 500.00 <input type="checkbox"/> Black Mat Side Molding \$ 500.00 <input type="checkbox"/>

FCC WARRANTY	Factory Warranty	Total :
<ul style="list-style-type: none"> 3 Years or 36,000 Miles Whichever Occurs First From Date Of Purchase 1 Year on Electronics From Date Of Purchase 	<ul style="list-style-type: none"> 5 Year or 100,000 Miles Whichever Occurs First Engine & Outer Body 	NA

SPRINTER LAYOUT	ADDED FEATURES	
	Painted Side Moldings and Bumpers	\$1,000.00
	Upgraded Audio Package- JL Components	\$395.00
	Upgraded Wall Trim - Acrylic Inserts	\$400.00
	Upgraded Radio with Apple Play/Android Play	\$200.00
	Black Carbon Fiber Inserts and Trim	N/A
	Change Rail Inserts to Color Wash	N/A
	Apple TV	\$395.00
	Options Total:	\$2,390.00

Buyer hereby certifies (i) that Buyer has read the printed matter of this purchase agreement and it includes all of the terms and conditions of this purchase agreement of discussions, as of the date hereof encompasses the completed and exclusive statement of the terms and conditions of the agreement relating to the subject of the terms and conditions of the agreement relating to the subject matter hereof (ii) that in no event shall buyer be entitled to lost revenue or consequential damages. FCC shall not be held responsible of any incidental damages of any default hereunder (iii) also, in regard to the original vehicle manufacturer FCC is not required to honor any warranty issues applicable to the original vehicle prior to FCC conversion and/or modification. Customer also agrees that the above vehicle in question will not be shipped out of the U S

THIS AGREEMENT DOES NOT BECOME BINDING UNTIL ACCEPTED BY THE SIGNATURE OF AN AUTHORIZED REPRESENTATIVE OF FIRST CLASS CUSTOMS CORPORATE OFFICE.

Dated this _____ day of _____

Purchaser _____

Salesperson _____ Date _____

M.S.R.P. :	\$99,500.00
Rebates and Incentives	
Options:	\$2,390.00
DELIVERY :	TBD
SUBTOTAL :	\$102,290.00
Deposit:	(\$1,000.00)
Total :	\$101,290.00
BALANCE DUE ON COMPLETION	
Accepted by _____	FCC Corporate Office Use Only

Exhibit 5(b)(1)

FACTURED BY: FIRST CLASS CUSTOMS, INC.		DATE	08/28/19	
5000 NO (1100 LB)		LT215/85		16
1851		X SINGLE		
COLD INFLATION PRESSURE 300 KPA (55 PSI)		TIRES		
NO (LB)		TIRES (PSI)		
COLD INFLATION PRESSURE 400 KPA (58 PSI)		LT215/85		16
NO (770 LB)		SINGLE X DUAL		
COLD INFLATION PRESSURE 400 KPA (58 PSI)		TIRES		
NO (770 LB)		TIRES (PSI)		
VEHICLE HAS BEEN COMPLETED IN ACCORDANCE WITH THE PRIOR MANUFACTURES' IVD WHERE A				
VEHICLE CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS, AND BU				
FT PREVENTION STANDARDS IN EFFECT 08/28/19				
A.	WHSPT-400100610020	TYPE:	BUS 14+2	



Vehicle History Report™

**2019 MERCEDES-BENZ SPRINTER
3500/4500**

VIN: WD3PF4CD1KP075636
CARGO VAN
3.0L V6 F DOHC 24V
DIESEL
REAR WHEEL DRIVE



No accidents or damage reported
to CARFAX



CARFAX 1-Owner vehicle



Regular oil changes



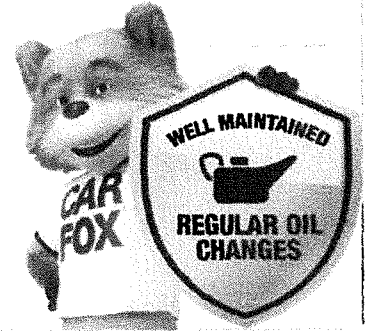
Commercial vehicle



Last owned in Nevada



16,282 Last reported odometer
reading



This CARFAX Vehicle History Report is based only on information supplied to CARFAX and available as of 12/21/20 at 3:54:41 PM (CST). Other information about this vehicle, including problems, may not have been reported to CARFAX. Use this report as one important tool, along with a vehicle inspection and test drive, to make a better decision about your next used car.



Ownership History

The number of owners is estimated

Year purchased

Type of owner

Estimated length of ownership

Owned in the following states/provinces

Estimated miles driven per year

Last reported odometer reading



Owner 1

2019

Commercial

1 yr. 3 mo.

South Carolina, Nevada

13,032/yr

16,282



Title History

CARFAX guarantees the information in this section

Salvage | Junk | Rebuilt | Fire | Flood | Hail | Lemon

Not Actual Mileage | Exceeds Mechanical Limits

Owner 1



Guaranteed
No Problem



Guaranteed
No Problem



GUARANTEED - None of these major title problems were reported by a state Department of Motor Vehicles (DMV). If you find that any of these title problems were reported by a DMV and not included in this report, CARFAX will buy this vehicle back.
Register | View Terms | View Certificate



Additional History

All accidents / damage reported to CARFAX

Total Loss

No total loss reported to CARFAX.

Structural Damage

No structural damage reported to CARFAX.

Airbag Deployment

No airbag deployment reported to CARFAX.

Odometer Check

Owner 1



No Issues Reported



No Issues Reported



No Issues Reported



No indication of an odometer rollback.

Accident / Damage

No accidents or damage reported to CARFAX.

Manufacturer Recall

Check with an authorized Mercedes-Benz dealer for any open recalls.

Basic Warranty

Original warranty estimated to have 0 months remaining.

☒ No Issues Indicated

☒ No Issues Reported

☒ No Recalls Reported

☒ Warranty Active



Detailed History

Owner 1

Purchased:
2019



Low mileage! This owner drove less than the industry average of 15,000 miles per year.

Commercial Vehicle
13,032 mi/yr

Date	Mileage	Source	Comments
04/02/2019	9	Plaza Mercedes-Benz Creve Coeur, MO 844-287-7926 https://plazamercedesbenz.com/ ★ 4.6 / 5.0 30 Verified Reviews ♥ 29 Customer Favorites	Vehicle serviced - Pre-delivery inspection completed
08/28/2019		Elite Mercedes-Benz Springfield, MO 417-889-5750 elitemercedes.com ★ 4.5 / 5.0 60 Verified Reviews ♥ 59 Customer Favorites	Vehicle serviced
09/12/2019		South Carolina Motor Vehicle Dept.	Vehicle purchase reported
10/29/2019	27	South Carolina Motor Vehicle Dept. Charleston, SC Title #770650373722224	Title issued or updated - Registration issued or renewed - First owner reported - Loan or lien reported - Titled or registered as commercial vehicle
01/23/2020		South Carolina Motor Vehicle Dept. Charleston, SC Title #770650373722224	Title issued or updated - Loan or lien reported
09/04/2020		Nevada Motor Vehicle Dept. Las Vegas, NV	Registration issued or renewed
09/29/2020	11,631	Fletcher Jones Imports Las Vegas, NV 702-364-2700 fjimports.com ★ 4.6 / 5.0 254 Verified Reviews ♥ 408 Customer Favorites	Vehicle serviced - Oil and filter changed
12/11/2020	16,282	Fletcher Jones Imports Las Vegas, NV 702-364-2700 fjimports.com ★ 4.6 / 5.0 254 Verified Reviews ♥ 408 Customer Favorites	Vehicle serviced



This vehicle's oil change history, as reported to CARFAX, follows the manufacturer's recommendation. Track your service history for free at carfax.com/service.

Have Questions? Please visit our Help Center at www.carfax.com.



Glossary

CARFAX Well Maintained - Regular Oil Changes

CARFAX identifies a "Well Maintained - Regular Oil Change" vehicle as having a regular oil change history when all its recommended oil changes, based on the vehicle's maintenance schedule, have been reported to CARFAX. CARFAX uses the manufacturer's schedule and assumes normal driving conditions. When an oil change schedule is not available, CARFAX may analyze reported service events to determine what is typical for the same make and model vehicle. Dealers and service shops may publish different recommended service schedules.

Commercial

Vehicle was registered for business purposes.

First Owner

When the first owner(s) obtains a title from a Department of Motor Vehicles as proof of ownership.

Ownership History

CARFAX defines an owner as an individual or business that possesses and uses a vehicle. Not all title transactions represent changes in ownership. To provide estimated number of owners, CARFAX proprietary technology analyzes all the events in a vehicle history. Estimated ownership is available for vehicles manufactured after 1991 and titled solely in the US including Puerto Rico. Dealers sometimes opt to take ownership of a vehicle and are required to in the following states: Maine, Massachusetts, New Jersey, Ohio, Oklahoma, Pennsylvania and South Dakota. Please consider this as you review a vehicle's estimated ownership history.

Title Issued

A state issues a title to provide a vehicle owner with proof of ownership. Each title has a unique number. Each title or registration record on a CARFAX report does not necessarily indicate a change in ownership. In Canada, a registration and bill of sale are used as proof of ownership.

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12/21/20 3:54:41 PM (CST)

Exhibit 6

**Nevada Transportation Authority
ANNUAL VEHICLE INSPECTION REPORT**

CERTIFICATION: This vehicle has been inspected in accordance with 49 CFR 396.17(c) and Appendix G to 49 CFR Subchapter B.

Motor Carrier Name Luxury Limousine of Las Vegas		Inspection Date Sept 2, 2020	
Street Address, City, State and Zip Code 4275 Arville St. #C LV NV 89103		Unit Number #9	
Vehicle Year, Make and Model 2019 Mercedes Sprinter		License Plate Number and Issuing State 346M67 NV	
Vehicle Identification Number WD3PF4CD1KP075636			
TIRES		OK	Repair Date
Steering axle tires tread	<input checked="" type="checkbox"/>		
All other tires tread	<input checked="" type="checkbox"/>		
WHEELS & RIMS		OK	Repair Date
Wheels & Rims	<input checked="" type="checkbox"/>		
Fasteners	<input checked="" type="checkbox"/>		
Lock or Side Ring	<input checked="" type="checkbox"/>		
Welds	<input checked="" type="checkbox"/>		
SUSPENSION		OK	Repair Date
Spring Assembly	<input checked="" type="checkbox"/>		
Cracked, Broken, Loose or Missing Parts	<input checked="" type="checkbox"/>		
Torque, Radius or Tracking Components	<input checked="" type="checkbox"/>		
LIGHTING DEVICES		OK	Repair Date
All lighting devices and reflectors required by section 393 shall be operable	<input checked="" type="checkbox"/>		
SAFE LOADING		OK	Repair Date
Vehicle part(s) or condition such that the spare tire or any part of the load or dunnage CANNOT fall onto the roadway	<input checked="" type="checkbox"/>		
Protection against shifting cargo		<input checked="" type="checkbox"/>	
WINDSHIELD WIPERS		OK	Repair Date
Power unit DOES NOT have inoperative wiper, missing or damaged parts.	<input checked="" type="checkbox"/>		
COUPLING DEVICES		OK	Repair Date
Drawbar/Towbar Eye	<input checked="" type="checkbox"/>		
Drawbar/Towbar Tongue	<input checked="" type="checkbox"/>		
Safety Devices	<input checked="" type="checkbox"/>		
Saddle-Mounts	<input checked="" type="checkbox"/>		
Fifth Wheels	<input checked="" type="checkbox"/>		
Pintle Hooks	<input checked="" type="checkbox"/>		
FUEL SYSTEM		OK	Repair Date
NO visible leak	<input checked="" type="checkbox"/>		
Fuel Tank Filler Cap Present	<input checked="" type="checkbox"/>		
Fuel Tank Securely Attached	<input checked="" type="checkbox"/>		
WINDSHIELD GLAZING		OK	Repair Date
NO cracks or vision reducing matter except as in 49 CFR 393.60	<input checked="" type="checkbox"/>		
Inspection Garage/Company Name STAR LIMOUSINE REPAIR		Street Address 3867 S VALLEY VIEW SUITE 34	
Telephone Number 702 929 5713		City, State, Zip Code LV NV 89103	
Printed Name of Qualified Inspector ERIC HIGDON		Qualified Inspector's Signature <i>[Signature]</i>	


3867 S. Valley View
Suite 19
(702) 882-8850

Star Limousine Repair
3867 S. Valley View Blvd.
Suite 19
Las Vegas, NV 89103

VIN Decoder Powered by  vPIC

white Sprinter

Version: 2.15 last updated on 10/10/2020

 [Release Notes](#) [Subscribe/Unsubscribe](#)

VIN

WD3PF4CD1KP075636

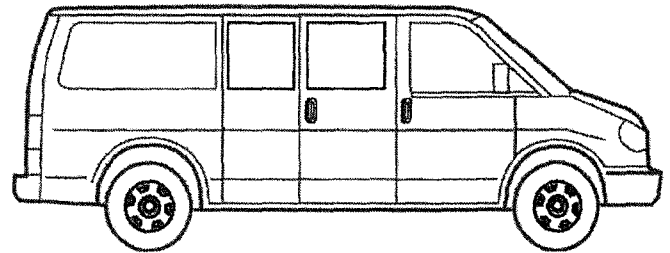
Model Year

Vehicle's Model Year



2019 MERCEDES-BENZ - TRUCK

✓ **Error Text:** 0 - VIN decoded clean. Check Digit (9th position) is correct

Manufacturer: MERCEDES-BENZ AG**DBAs:****Vehicle Type:** TRUCK**Model Year:** 2019**Make:** MERCEDES-BENZ**Model:** Sprinter**Body Class:** Cargo Van

Other Information

Information provided below is based on the details provided by the manufacturer of this vehicle to NHTSA in the part 565 submittal

Series: C4500/C3500

Trim:

Gross Vehicle Weight Rating: Class 3: 10,001 - 14,000 lb (4,536 - 6,350 kg)

Axles: 2

Engine Displacement (L): 3

Axle Configuration:

Drive Type: 4x2

Cylinders: 6

Primary Fuel Type: Diesel

Engine Model: OM 642 with Brake Assist

Secondary Fuel Type:

Electrification Level:

Engine Brake (HP):

Engine Manufacturer: DAG

Transmission Speed: 7

Transmission Style: Automatic

Airbags:

- **Front:** 1st Row (Driver & Passenger)
- **Knee:**
- **Side:** 1st Row (Driver & Passenger)
- **Curtain:** 1st Row (Driver & Passenger)
- **Seat Cushion:**
- **Other Restraint Info:** SA5 (airbag for driver) + SA6 (airbag for co-driver) + [SH1 (thorax side airbag driver) or SH2 (thorax side airbag for driver and co-driver)] + SH9 (driver and co-driver window airbags) + type 2 seat belts with load limiters and pretensioners.

Plant Information: DUSSELDORF, GERMANY

All Vehicle details

NOTE: Any missing decoded values should be interpreted as NHTSA does not have data on the specific variable. Missing value should NOT be interpreted as an indication that a feature or technology is unavailable for a vehicle.

Group Name	Element	Value
	Suggested VIN	
	Error Code	0
	Possible Values	
	Additional Error Text	
	Error Text	0 - VIN decoded clean. Check Digit (9th position) is correct
General	Destination Market	U.S.
General	Make	MERCEDES-BENZ
General	Manufacturer Name	MERCEDES-BENZ AG
General	Model	Sprinter
General	Model Year	2019
General	Plant City	DUSSELDORF
General	Series	C4500/C3500
General	Trim	
General	Vehicle Type	TRUCK
General	Plant Country	GERMANY
General	Plant Company Name	
General	Plant State	
General	Trim2	
General	Series2	
General	Note	
General	Base Price (\$)	
General	Manufacturer Id	1023
General	Cash For Clunkers	
Exterior / Body	Body Class	Cargo Van
Exterior / Body	Doors	
Exterior / Body	Windows	
Exterior / Body	Wheel Base Type	

Group Name	Element	Value
Exterior / Body	Track Width	
Exterior / Dimension	Gross Vehicle Weight Rating	Class 3: 10,001 - 14,000 lb (4,536 - 6,350 kg)
Exterior / Dimension	Bed Length (inches)	
Exterior / Dimension	Curb Weight (pounds)	
Exterior / Dimension	Wheel Base (inches)	170
Exterior / Dimension	Wheel Base (inches) up to	170.00
Exterior / Dimension	Gross Combination Weight Rating	
Exterior / Dimension	Gross Combination Weight Rating up to	
Exterior / Dimension	Gross Vehicle Weight Rating up to	
Exterior / Truck	Bed Type	
Exterior / Truck	Cab Type	
Exterior / Trailer	Trailer Type Connection	Not Applicable
Exterior / Trailer	Trailer Body Type	Not Applicable
Exterior / Trailer	Trailer Length (feet)	
Exterior / Trailer	Other Trailer Info	
Exterior / Wheel tire	Number of Wheels	4
Exterior / Wheel tire	Wheel Size Front (inches)	16
Exterior / Wheel tire	Wheel Size Rear (inches)	16
Interior	Entertainment System	
Interior	Steering Location	Left Hand Drive (LHD)
Interior / Seat	Number of Seats	
Interior / Seat	Number of Seat Rows	
Mechanical / Transmission	Transmission Style	Automatic
Mechanical / Transmission	Transmission Speeds	7
Mechanical / Drivetrain	Drive Type	4x2
Mechanical / Drivetrain	Axles	2
Mechanical / Drivetrain	Axle Configuration	
Mechanical / Brake	Brake System Type	
Mechanical / Brake	Brake System Description	
Mechanical / Battery	Battery Info	

Group Name	Element	Value
Mechanical / Battery	Battery Type	
Mechanical / Battery	Number of Battery Cells per Module	
Mechanical / Battery	Battery Current (Amps)	
Mechanical / Battery	Battery Voltage (Volts)	
Mechanical / Battery	Battery Energy (KWh)	
Mechanical / Battery	EV Drive Unit	
Mechanical / Battery	Battery Current (Amps) up to	
Mechanical / Battery	Battery Voltage (Volts) up to	
Mechanical / Battery	Battery Energy (KWh) up to	
Mechanical / Battery	Number of Battery Modules per Pack	
Mechanical / Battery	Number of Battery Packs per Vehicle	
Mechanical / Battery / Charger	Charger Level	
Mechanical / Battery / Charger	Charger Power (KW)	
Engine	Engine Number of Cylinders	6
Engine	Displacement (CC)	3000
Engine	Displacement (CI)	183.0712322841
Engine	Displacement (L)	3
Engine	Engine Stroke Cycles	
Engine	Engine Model	OM 642 with Brake Assist
Engine	Engine Power (KW)	
Engine	Fuel Type - Primary	Diesel
Engine	Valve Train Design	Dual Overhead Cam (DOHC)
Engine	Engine Configuration	V-Shaped
Engine	Fuel Type - Secondary	
Engine	Fuel Delivery / Fuel Injection Type	Common Rail Direct Injection Diesel (CRDI)
Engine	Engine Brake (hp)	
Engine	Cooling Type	

Group Name	Element	Value
Engine	Engine Brake (hp) up to	
Engine	Electrification Level	
Engine	Other Engine Info	
Engine	Turbo	
Engine	Top Speed (MPH)	
Engine	Engine Manufacturer	DAG
Passive Safety System	Pretensioner	Yes
Passive Safety System	Seat Belts Type	Manual
Passive Safety System	Other Restraint System Info	SA5 (airbag for driver) + SA6 (airbag for co-driver) + [SH1 (thorax side airbag driver) or SH2 (thorax side airbag for driver and co-driver)] + SH9 (driver and co-driver window airbags) + type 2 seat belts with load limiters and pretensioners.
Passive Safety System / Air Bag Location	Curtain Air Bag Locations	1st Row (Driver & Passenger)
Passive Safety System / Air Bag Location	Seat Cushion Air Bag Locations	
Passive Safety System / Air Bag Location	Front Air Bag Locations	1st Row (Driver & Passenger)
Passive Safety System / Air Bag Location	Knee Air Bag Locations	
Passive Safety System / Air Bag Location	Side Air Bag Locations	1st Row (Driver & Passenger)
Active Safety System	Driver Assist	
Active Safety System	Adaptive Cruise Control (ACC)	Optional
Active Safety System	Adaptive Headlights	
Active Safety System	Anti-lock Braking System (ABS)	Standard
Active Safety System	Crash Imminent Braking (CIB)	Optional
Active Safety System	Blind Spot Detection (BSD)	Optional
Active Safety System	Electronic Stability Control (ESC)	Standard
Active Safety System	Traction Control	Standard
Active Safety System	Forward Collision Warning (FCW)	Optional

Group Name	Element	Value
Active Safety System	Lane Departure Warning (LDW)	Optional
Active Safety System	Lane Keeping Support (LKS)	Optional
Active Safety System	Rear Visibility System (RVS)	Standard
Active Safety System	Parking Assist	Not Available
Active Safety System	TPMS	Indirect
Active Safety System	Active Safety System Note	
Active Safety System	Dynamic Brake Support (DBS)	Standard
Active Safety System	Pedestrian Automatic Emergency Braking (PAEB)	
Active Safety System	Auto-Reverse System for Windows and Sunroofs	Standard
Active Safety System	Automatic Pedestrian Alerting Sound (for Hybrid and EV only)	
Active Safety System	Automatic Crash Notification (CAN) / Advanced Automatic Crash Notification (AACN)	Standard
Active Safety System	Event Data Recorder (EDR)	
Active Safety System	Keyless Ignition	Standard
Active Safety System	Daytime Running Light (DRL)	Standard
Active Safety System	Lower Beam Headlamp Light Source	
Active Safety System	Semiautomatic Headlamp Beam Switching	Standard
Active Safety System	Adaptive Driving Beam (ADB)	Optional
Active Safety System	SAE Automation Level	
Active Safety System	SAE Automation Level up to	
Active Safety System	Rear Cross Traffic Alert	
Internal	NCSA Note	
Exterior / Bus	Bus Length (feet)	

Group Name	Element	Value
Exterior / Bus	Bus Floor Configuration Type	Not Applicable
Exterior / Bus	Bus Type	Not Applicable
Exterior / Bus	Other Bus Info	
Exterior / Motorcycle	Custom Motorcycle Type	Not Applicable
Exterior / Motorcycle	Motorcycle Suspension Type	Not Applicable
Exterior / Motorcycle	Motorcycle Chassis Type	Not Applicable
Exterior / Motorcycle	Other Motorcycle Info	

Contact NHTSA Manufacturer Helpdesk at manufacturerinfo@dot.gov or 1-888-399-3277

NHTSA Information ▼

Website Information ▼

Information For ▼

NHTSA Sites ▼

National Highway Traffic Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

1-888-327-4236

1-800- 424-9153 (TTY)



Exhibit 8

Gmail

Louis

X

Las Vegas, NV 89101
702-324-8454

On Dec 30, 2020, at 4:36 PM, Jennifer DeRose <jderose@nta.nv.gov> wrote:

Mr. Kaplan,

In the email below, Louis Csoka states that he will forward your request to Ron Delgado, with instructions to proceed as a Public Records Request on Items 1 through 4. I have reviewed Items 1 through 4 listed below on your email to Louis Csoka and Rene Re

1. Please provide a list of the Mercedes Certified Upfitters provided by the NTA. There does not appear to be a list anywhere.-- The NTA does not have no produce.
2. Please provide documentation for any Sprinters that were purchased USED from Out of State and successfully placed into service in Nevada since the 1 these and has no searchable database to provide such documentation. Therefore, there are no records to produce.
3. Please provide documentation submitted by other carriers prior to purchasing a vehicle so we can know exactly the documentation sought by NTA and p Therefore, there are no records to produce.
4. Please provide a copy of the NTA Opinion regarding Sprinters. it is not on the website and not codified in the NAC. --There is no "NTA Opinion" regarding General Session Agenda. The request was from James S. Kent, Ltd. for an advisory opinion regarding the interpretation and application of NAC 706.022 " 2016 General Session for your review.

If you need anything further, please let me know. My contact information is below.

Regards,

Jennifer De Rose
Deputy Commissioner
Nevada Transportation Authority
702-486-6566
jderose@nta.nv.gov

From: Louis V. Csoka <LCsoka@ag.nv.gov>

Sent: Monday, December 28, 2020 1:40 PM

To: zev kaplan <zevkapanlv@gmail.com>

Cc: Rene Revens <rmichels@nta.nv.gov>; Shaun Habibian <Shaun@luxlimolv.com>; Jenna Randall :: Luxury Limousines Of Las Vegas <jenna@luxlimolv.com>

Subject: Re: Sprinter requirements questions

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Agenda Item# 77

**Additional material presented at
the meeting.**

ITEM 77

Liz Babcock

From: Drew Ribar <Drew@aatowinginc.com>
Sent: Wednesday, January 27, 2021 4:01 PM
To: Liz Babcock
Cc: Nicole Harvey
Subject: FW: A&A Towing, Inc. Tariff Modification Information
Attachments: 12-14-2020 AutoReturn and Credit Card Costs November NHP Bill Tariff Mod.pdf

Good Afternoon Liz,

For tomorrows agenda we have agreed to bifurcate the credit card and one hour tariff issues until we can get you more information.

Regarding the AutoReturn issue and the "Administrative Fee": When I sent the information to you I came up with the cost of implementing AutoReturn to be not only the \$25 per car that is supposed to be a "pass through" and obviously is not but actually \$25 plus the \$167.00 in additional costs to cover employee time, computers, internet, proprietary information etc...(see original email attached).

I did read the documentation you sent for my information request. I am requesting the same legal due process that was established for the Ewing and Ellis families when the regulation of the model tow tariff was changed for Ewing Brothers and Snap Towing without due process under NRS 233B and without financial documentation being supplied to staff and staffs support for the fee without any knowledge or documentation to support the fee. I request the same treatment for the same fact pattern, I am requesting staff support my additional \$167.00 per call on top of the \$25.00 without documentation to be added to A&A's "Administrative Fee". Why should Ewing have an advantage of having tariff fees increased or added without financial documentation when other carriers are not given that same legal precedence (Stare decisis) ??.

Thank you,

Drew Ribar
A&A Towing, Inc.
Reno NV
Las Vegas NV
Carson City NV



From: Drew Ribar
Sent: Monday, December 14, 2020 4:23 PM
To: Liz Babcock <lbabcock@nta.nv.gov>
Cc: Nicole Harvey <NHarvey@BKFLaw.com>
Subject: A&A Towing, Inc. Tariff Modification Information

Greetings Liz,

I have attached my numbers for NHP calls that A&A was billed by AutoReturn and paid AutoReturn for in order to be notified of tows (NAC 706.442). This document shows what vehicles were redeemed and paid for compared to those that were not redeemed and A&A has disposed of or in the process of getting rid of along with the costs of processing the credit cards.

My November 1st 2020 bill from AutoReturn shows that of the vehicles towed for NHP 27% were never picked up by the registered owner and of those redeemed 70% were paid with credit card vs 30% paid with cash or check. I believe this validates my request to increase the cash rates up to offset the credit card processing. My overall average bank fee to process credit cards is 3.30% and does not include the cost of hardware or data associated that is required for the transaction. When these additional costs are included the cost is closer to 4-5% as opposed to the 3% that was permitted by the NTA....overall we have been losing money for years by having to absorb the costs that the State required when ordering us to accept electronic payments.

Regarding the AutoReturn issue. I have been attempting to mitigate the damage done to my small business by the State of Nevada and AutoReturn under the color of law 42 USC 1983 for violating my right to due process under NRS 233B and the subsequent taking of private property to benefit the government. As you are aware when the NTA changed the regulations in the model tow tariff by adding the "Administrative Fee" defined as a "pass through" there was no due process, the regulation was changed without a small business financial impact in violation of the law. The Nevada Highway Patrol has also denied A&A the required due process under NRS 233B and as of this time the Department of Public Safety and NHP still has not created regulations, processes or any other written guidance regarding AutoReturn, instead we are still operating under the 2011 Tow Manual for the Nevada Highway Patrol. Implementing AutoReturn without the required due process is one of the main reasons I am seeking to modify this tariff to mitigate the damages going forward.

The property and money I am required to relinquish to benefit the State and the States contractor Tegsco LLC dba AutoReturn is multifaceted:

1. The first issue is the money that is required to change hands in order to be notified of tows, my billing statement from AutoReturn for November 2020 was \$1,475.00 of which I had to take out of A&A's funds to pay the "pass through" "Administrative Fee" in the amount of \$453.36 which was 31% of the total fees demanded by AutoReturn.
2. The second issue is the time and resources required to provide the State and AutoReturn my proprietary information. It takes about 45 minutes of man power and data entry for this process. Billing my employees time at \$85 per hour equals a cost and value of \$63.75 per vehicle towed to the State of Nevada and AutoReturn. Based on a total of 59 vehicles billed on the November 2020 invoice A&A gave \$3761.25 in "free labor" to benefit the government and its contractor.
3. The contract that the State and AutoReturn required A&A to enter into without the benefit of regulation and a small business financial impact requires the tow operator to provide a perpetual license to AutoReturn and the State of Nevada to provide my "proprietary information" at no cost to AutoReturn or the State of Nevada. As we all know information has a value especially when part of that information has to be paid for like DMV records that are a crime to share yet AutoReturn and the State try to gather this information in violation of Federal and State statutes. The cost that Nevada DMV charges A&A for vehicle records is \$10 per transaction. Based on the cost of DMV records and additional proprietary data that the State and its contractor are requiring I estimate the value of the data to be \$25 per record plus a premium in order to hire legal aid (if the government were to prosecute and take away my freedom would this be enough) in the future for the violations of State and Federal law that I believe may become an issue to increase the costs to \$50 per record of giving the government my proprietary data. With 59 items on the invoice multiplied by \$50 that is a total value of \$2,950.00 for the property that the government is currently taking at no cost in violation of the Constitution of the United States.

The total costs to A&A for the November billing cycle by AutoReturn with the money paid out in the amount of \$453.36 plus the labor of \$3761.25 and the proprietary data of \$2950.00 total \$7164.61 in money and other property that were illegally taken for the States benefit and their contractor. To stop this continued illegal taking we

request that the tariff be increased by \$167.00 for each vehicle towed by the NHP for the implementation of the "free to the State" contract with AutoReturn. The sum of \$167.00 is based on the 43 vehicles that were redeemed divided by the loss of \$7164.61 to offset the costs and profit that A&A had to pay out for this "free" program for the government.

I appreciate your help in resolving this ongoing seemingly never ending problem. Please let me know if you want the underlying documentation from my credit card processor or other additional information.

Thank you,

Drew Ribar
A&A Towing, Inc.
Reno NV
Las Vegas NV
Carson City NV



A&A Call#	AR Veh ID	Pyt. Method	\$ not paid	Money Recd.	CC Fees	CC % Fee	\$ Tariff Rate	\$ after CC fees	\$ vs CC tariff	AR \$ Collected	AR Fee	AR CC Fee	\$ pd to AR fr A&A
150140	3945533	Credit Card		\$787.44	\$27.71	3.52%	\$763.81	\$759.73	-\$4.08	\$25.75	\$25.00	\$0.91	\$0.16
150287	3949066	Credit Card		\$1,348.28	\$44.64	3.31%	\$1,307.82	\$1,303.64	-\$4.18	\$25.75	\$25.00	\$0.85	\$0.10
150288	3949067	Credit Card		\$1,474.97	\$48.82	3.31%	\$1,429.99	\$1,426.15	-\$3.84	\$25.75	\$25.00	\$0.85	\$0.10
150298	3949068	Cash		\$416.11	\$0.00	0.00%	\$416.11	\$416.11	\$0.00	\$24.98	\$25.00	\$0.00	\$0.02
150311	3949603	Credit Card		\$452.96	\$15.10	3.33%	\$439.37	\$437.86	-\$1.51	\$25.75	\$25.00	\$0.86	\$0.11
150366	3950835	Check		\$1,541.16	\$0.00	0.00%	\$1,541.16	\$1,541.16	\$0.00	\$24.98	\$25.00	\$0.00	\$0.02
150443	3952107	Check		\$980.32	\$0.00	0.00%	\$980.32	\$980.32	\$0.00	\$24.98	\$25.00	\$0.00	\$0.02
150537	3954653	Not PU	\$2,751.13	\$2,751.13	\$0.00	0.00%		\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$25.00
150651	3957041	Credit Card		\$344.02	\$12.19	3.54%	\$332.98	\$331.83	-\$1.15	\$25.75	\$25.00	\$0.91	\$0.16
150724	3959065	Not PU	\$1,239.66	\$1,239.66	\$0.00	0.00%		\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$25.00
150764	3960003	Not PU	\$2,648.40	\$2,648.40	\$0.00	0.00%		\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$25.00
150770	3960217	Not PU	\$2,606.17	\$2,606.17	\$0.00	0.00%		\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$25.00
150836	3961672	Credit Card		\$706.15	\$24.29	3.44%	\$684.97	\$681.86	-\$3.11	\$0.00	\$25.00	\$0.00	\$25.00
150858	3961868	cash		\$439.37	\$0.00	0.00%	\$439.37	\$439.37	\$0.00	\$24.98	\$25.00	\$0.00	\$0.02
150866	3962786	Credit Card		\$1,254.55	\$36.84	2.75%	\$1,216.19	\$1,217.71	\$1.52	\$25.75	\$25.00	\$0.71	\$0.00
150863	3962787	Credit Card		\$325.75	\$8.96	2.75%	\$315.98	\$316.79	\$0.81	\$25.75	\$25.00	\$0.71	\$0.00
150945	3964012	cash		\$315.98	\$0.00	0.00%	\$315.98	\$315.98	\$0.00	\$24.98	\$25.00	\$0.00	\$0.02
150944	3964013	Credit Card	\$465.70	\$1,000.00	\$33.15	3.32%	\$1,421.00	\$966.85		\$0.00	\$25.00	\$0.00	\$25.00
151060	3965405	Credit Card		\$811.40	\$28.55	3.52%	\$787.05	\$782.85	-\$4.20	\$25.75	\$25.00	\$0.91	\$0.16
150946	3966988	Not PU	\$2,489.45	\$2,489.45	\$0.00	0.00%		\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$25.00
151062	3967234	Not PU	\$2,413.29	\$2,413.29	\$0.00	0.00%		\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$25.00
151088	3968047	Credit Card		\$301.79	\$10.71	3.55%	\$292.74	\$291.08	-\$1.66	\$25.75	\$25.00	\$0.91	\$0.16
151164	3969620	Credit Card		\$301.79	\$10.11	3.35%	\$292.74	\$291.68	-\$1.06	\$25.75	\$25.00	\$0.86	\$0.11
151184	3970193	Credit Card		\$745.21	\$26.23	3.52%	\$722.85	\$718.98	-\$3.87	\$25.75	\$25.00	\$0.91	\$0.16
151232	3971227	Credit Card		\$522.21	\$18.43	3.53%	\$506.54	\$503.78	-\$2.76	\$25.75	\$25.00	\$0.91	\$0.16
151243	3971228	Credit Card		\$503.94	\$16.78	3.33%	\$488.82	\$487.16	-\$1.66	\$25.75	\$25.00	\$0.86	\$0.11
151287	3972691	cash		\$439.37	\$0.00	0.00%	\$439.37	\$439.37	\$0.00	\$24.98	\$25.00	\$0.00	\$0.02
151406	3974321	CC & \$\$		\$419.48	\$8.98	4.10%	\$406.89	\$410.50	\$3.61	\$25.75	\$25.00	\$1.06	\$0.31
151413	3974456	Not PU	\$2,503.18	\$2,503.18	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$25.00
151424	3975610	Not PU	\$2,226.10	\$2,226.10	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$25.00
151465	3975909	Credit Card		\$479.98	\$13.20	2.75%	\$465.58	\$466.78	\$1.20	\$25.75	\$25.00	\$0.71	\$0.00
151509	3977156	Credit Card		\$344.02	\$12.19	3.54%	\$333.70	\$331.83	-\$1.87	\$25.75	\$25.00	\$0.91	\$0.16
151541	3977661	Credit Card		\$353.29	\$12.52	3.54%	\$342.69	\$340.77	-\$1.92	\$25.75	\$25.00	\$0.91	\$0.16
151542	3977724	Credit Card		\$301.79	\$10.11	3.35%	\$292.74	\$291.68	-\$1.06	\$25.75	\$25.00	\$0.86	\$0.11
151552	3977778	Credit Card		\$717.67	\$19.74	2.75%	\$696.14	\$697.93	\$1.79	\$25.75	\$25.00	\$0.71	\$0.00
	3979675									\$0.00	\$25.00	\$0.00	\$25.00
151641	3979676	Part Pyt	\$1,899.41	\$2,099.41	\$7.15	3.56%				\$0.00	\$25.00	\$0.00	\$25.00
151791	3983150	Credit Card		\$980.32	\$32.50	3.32%	\$950.90	\$947.82	-\$3.08	\$25.75	\$25.00	\$0.85	\$0.10
151792	3983151	Cash		\$909.94			\$909.94	\$909.94	\$0.00	\$24.98	\$25.00	\$0.00	\$0.02
151799	3983375	Credit Card		\$503.94	\$17.79	3.53%	\$488.82	\$486.15	-\$2.67	\$25.75	\$25.00	\$0.91	\$0.16
151801	3983376	Not PU	\$2,014.95	\$2,014.95	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$25.00
151805	3983718	Not PU	\$2,014.95	\$2,014.95	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$25.00
151803	3983719	Credit Card		\$684.71	\$24.11	3.52%	\$664.16	\$660.60	-\$3.56	\$25.75	\$25.00	\$0.91	\$0.16
151804	3983720	Cash		\$397.91	\$0.00	0.00%	\$397.91	\$0.00	\$0.00	\$24.98	\$25.00	\$0.00	\$0.02
151888	3985714	Not PU	\$1,906.53	\$1,906.53	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$25.00

151926	3986796 Cash		\$374.64	\$0.00	0.00%	\$374.64	\$0.00	\$0.00	\$24.98	\$25.00	\$0.00	\$0.02
151952	3987071 Not Pu	\$2,002.84	\$2,002.84	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$25.00
151984	3987301 Cash		\$332.98	\$0.00	0.00%	\$332.98	\$0.00	\$0.00	\$24.98	\$25.00	\$0.00	\$0.02
151995	3987364 Credit Card		\$461.71	\$16.61	3.60%	\$447.86	\$445.10	-\$2.76	\$25.75	\$25.00	\$0.93	\$0.18
152012	3988472 Credit Card		\$301.79	\$10.11	3.35%	\$292.74	\$291.68	-\$1.06	\$25.75	\$25.00	\$0.86	\$0.11
152076	3989109 Not PU	\$2,123.11	\$2,123.11	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$25.00
152153	3990687 Cash		\$787.05	\$0.00	0.00%	\$787.05	\$0.00	\$0.00	\$24.98	\$25.00	\$0.00	\$0.02
152191	3992059 Credit Card		\$928.82	\$27.88	2.75%	\$900.95	\$900.94	-\$0.01	\$25.75	\$25.00	\$0.71	\$0.00
152192	3992060 Credit Card		\$513.46	\$16.46	2.75%	\$498.06	\$497.00	-\$1.06	\$25.75	\$25.00	\$0.71	\$0.00
155207	3992207 cash		\$489.32	\$0.00	0.00%	\$489.32	\$0.00	\$0.00	\$24.98	\$25.00	\$0.00	\$0.02
152206	3992208 Not PU	\$2,014.69	\$2,014.69	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$25.00
152220	3992451 Credit Card		\$546.17	\$19.27	3.53%	\$529.78	\$526.90	-\$2.88	\$25.75	\$25.00	\$0.91	\$0.16
152223	3992452 Cash		\$950.90	\$0.00	0.00%	\$950.90	\$0.00	\$0.00	\$24.98	\$25.00	\$0.00	\$0.02
152273	3994162 Credit Card		\$461.71	\$12.10	2.62%	\$447.86	\$449.61	\$1.75	\$25.75	\$25.00	\$0.67	\$0.00
										\$23.78	\$453.36	

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CC Fees Pd	\$623.23
CC total charged	\$18,879.32
Average CC discount rate	3.30%
CC Fees paid less than tariff	-\$33.08
AR "Pass Through" pd with A&A \$	\$453.36
AR Fees Paid	\$1,475.00
31% of AR "pass through" fees paid with A&A money	

Meeting Participants