

Item Number #

97



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November 4, 2025

**Via U.S. Mail and Email to: [ywilburn@nta.nv.gov](mailto:ywilburn@nta.nv.gov)**

Nevada Transportation Authority  
 Attn: Yoneet Wilburn, Esq.  
 Administrative Attorney  
 3300 West Sahara Avenue, Suite 200  
 Las Vegas, Nevada 89102

Re: Letter re: Interpretation of NRS 706.124's Definition  
 of "Taxicab"  
Our File No. 16434-1

Dear Ms. Wilburn:

Please be advised that the law firm of Marquis Aurbach Chtd. ("**MAC**") has been retained by Reno Cab Company, Inc. ("**Reno Cab**"), Yellow Cab of Reno, Inc. ("**Yellow Cab**"), and Capitol Cab Co. ("**Capitol Cab**") (each a "**Company**" and collectively, our "**Client**" or the "**Companies**") with respect to the matters described herein. This letter serves to provide information regarding our Client's concerns about the Nevada Transportation Authority's ("**NTA**") new policy and statutory interpretation of NRS 706.124's definition of "taxicab," which causes extreme prejudice to our Client and is inconsistent with the Legislature's statutory intent.

## **I. BACKGROUND**

We are advised that during the recent NTA meeting the Board issued a directive to staff to not place any vans into service as a taxicab that were designed to transport more than six (6) passengers, including the driver. Such a position is wholly reliant upon a single component of the statutory definition of "taxicab" in NRS 706.124 and which does not account for the complete definition of "taxicab" under NRS 706.124.<sup>1</sup> By failing to account for the complete definition of "taxicab" to also include those vehicles that have been "constructed to accommodate" no more than six (6) passengers, operators effected by this moratorium have been adversely impacted.

<sup>1</sup> See NRS 706.124.

Additionally, to date, the NTA has not posted the minutes from the meeting held on or about October 10, 2025. By fixating on select wording rather than considering the statute in its entirety, the NTA effectively rewrites NRS 706.124 and eliminates the compliance pathway the Legislature preserved.

## **II. STATUTORY INTERPRETATION OF NRS 706.124**

In interpreting statutes, words matter. When a statute is clear and unambiguous, it will be enforced as written, and as intended by the Nevada Legislature. “Statutory interpretation presents a question of law[.]” *McCord v. State*, 139 Nev. Adv. Op. 59, 540 P.3d 433, 437 (2023) (citing *Hobbs v. State*, 127 Nev. 234, 237, 251 P.3d 177, 179 (2011)). “When interpreting a statute, the objective ‘is to give effect to the Legislature’s intent.’” *Id.* (emphasis added). The Legislature’s intent is determined by “first look[ing] to the statute’s plain language.” *Id.* Further, it is important to “‘interpret clear and unambiguous statutory language by its plain meaning unless doing so would lead to an unreasonable or absurd result.’” *Id.* (quoting *Moore v. State*, 136 Nev. 620, 622-23, 475 P.3d 33, 36 (2020)). Therefore, the words in a statute, such as NRS 706.124, are chosen deliberately by the Legislature and must be given their intended effect.

### **A. THE DEFINITION OF “TAXICAB” (NRS 706.124)**

**NRS 706.124 “Taxicab” defined.** “Taxicab” means a vehicle which is not operated over a fixed route, is designed or constructed to accommodate and transport not more than six passengers, including the driver, and:

1. Uses a taximeter or some other device, method or system to indicate and determine the passenger fare charged for the distance traveled;
2. Is used in the transportation of passengers or light express, or both, for which a charge or fee is received; or
3. Is operated in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.<sup>2</sup>

The Legislature’s deliberate use of the word “or” in NRS 706.124 is dispositive and cannot be rewritten or disregarded. “Or” was included for a reason, and it must be given full effect under the plain meaning of NRS 706.124 as intended by the Legislature. Here, there is no ambiguity regarding NRS 706.124. NRS 706.124 specifically states that the definition of taxicab includes the language “designed or constructed[.]” While “designed” may refer to how a vehicle is planned and created, “constructed” encompasses any process of building, assembling, or modifying to accommodate – including modifications made after the initial design. A taxicab vehicle can therefore be “constructed to accommodate” at any time, and carriers frequently undertake such construction to adapt vehicles to their commercial needs (e.g., converting conventional passenger vehicles into commercial taxicabs). The NTA’s interpretation, which prohibits post-design

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<sup>2</sup> *Id.* (emphasis added).

construction as an effective accommodation, contradicts the statute's plain text and legislative intent. Therefore, the Legislature's inclusion of "or" in NRS 706.124 is deliberate, controlling, and cannot be ignored by the NTA.

### **III. THE NTA'S RECENT STATUTORY INTERPRETATION OF NRS 706.124 EXTREMELY PREJUDICES OUR CLIENT AND ITS TAXICAB OPERATIONS**

Our Client already purchased and invested in three (3) new all-wheel-drive ("AWD") vans to meet year-round operational needs in Washoe County, two (2) of which were placed in service prior to the NTA meeting on or about October 10, 2025. During the meeting, the NTA discussed the NTA policy on what would be considered acceptable compliance with NRS 706.124's definition of a taxicab within the State of Nevada, excluding Clark County. However, to date, the meeting's minutes are not yet posted to provide the necessary notice to carriers and the public. Consequently, the NTA has not provided any notice to carriers or the public regarding this new statutory interpretation and is implementing it against carriers with no prior warning.

The NTA's new interpretation, announced at the meeting, abruptly deems noncompliant any van that was "constructed" to accommodate more than six (6) passengers, including the driver, even where the vehicle is thereafter constructed to accommodate a compliant six (6)-passenger configuration. The NTA's abrupt shift retroactively undermines our Client's business planning and impairs its ability to meet passenger demands, fulfill regulatory service obligations, and maintain safe and reliable service during peak winter and summer tourism. The lack of timely, transparent notice further compounds the prejudice by depriving carriers, including our Client, of a meaningful opportunity to conform operations prospectively, evaluate fleet procurement, or seek policy relief before incurring significant losses. This prejudice is amplified by the NTA's inconsistent and arbitrary application of NRS 706.124 due to large transportation company operations, such as for Uber's UberXL vehicles, appear to remain unrestricted.<sup>3</sup> This disparity distorts competition, devalues our Client's assets, and diminishes service availability for groups and travelers with luggage or recreational equipment, harming the public and frustrating the public-interest objectives reflected in NRS 706.124.

### **IV. AT THE UPCOMING NTA MEETING SET ON OR ABOUT NOVEMBER 6, 2025, OUR CLIENT REQUESTS THAT THE NTA APPROVE ITS PROPOSED CONSTRUCTION TO ENSURE THAT ITS VANS COMPLY WITH NRS 706.124**

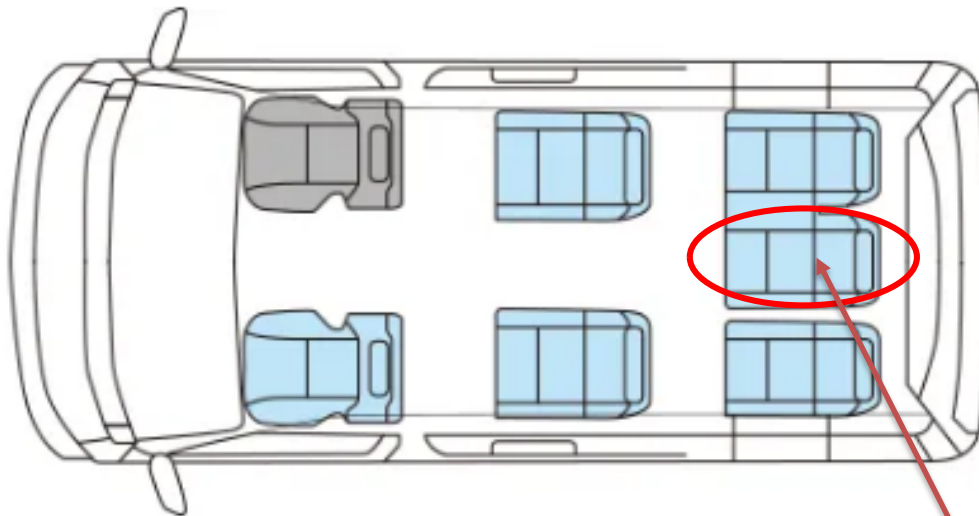
At the upcoming NTA meeting on November 6, 2025, our Client requests that the NTA approve its proposed construction to ensure that its vans comply with NRS 706.124. Our Client's proposed construction of its vans involves placing a cupholder console (the "**Console**") in the middle seat of the van's third row of seating, which physically and permanently reduces the seating capacity to ensure compliance with NRS 706.124, which allows for "not more than six passengers, including the driver[.]" This modification constitutes a legitimate act of "construction to accommodate" as contemplated by the statute. Further, our Client will lock the Console's two (2)

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<sup>3</sup> Uber's Vehicle Requirements (UberXL and Uber XXL), <https://help.uber.com/en/driving-and-delivering/article/vehicle-requirements-uberxl-and-uberxxl?nodeId=554507b6-b957-435b-bfcc-0e3481db3bb9> (last accessed October 30, 2025).

seat anchors with metal cables to ensure that the driver cannot remove the Console and the metal cables.

Below is a diagram of a van indicating the location of the Console's installation and a picture that depicts the Console's exact appearance:



In practical terms, the NTA's position blocks reasonable construction solutions, such as fixed consoles that permanently remove seating positions, and prevents carriers from safely deploying AWD vans needed year-round for adverse weather and gear-heavy travel. Our Client's

November 4, 2025

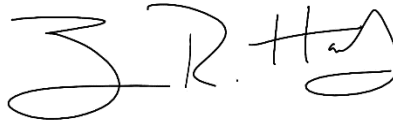
Page 5

proposed vehicle construction complies with the plain language of NRS 706.124, specifically by being “constructed” to accommodate no more than six (6) passengers, and thus the NTA should approve it as a matter of policy. AWD vans are essential for our Client’s safe and reliable taxicab operations because they enable the transportation of passengers together with luggage and recreational equipment in year-round conditions. In winter, many people visiting the Reno area frequently travel with skis and snowboards and require vehicles capable of operating in snow and icy conditions. In summer, our Client must be able to accommodate passengers who commonly travel with golf clubs, wakeboards, and other similar gear. The NTA’s approval of our Client’s proposed construction will allow it to operate its AWD vans configured for not more than six (6) passengers, including the driver, while adequately accommodating passengers and their belongings.

If you have any questions, concerns, or wish to discuss the foregoing matter in further detail, please feel free to contact me directly.

Sincerely,

MARQUIS AURBACH

A handwritten signature in black ink, appearing to read "B.R. Hardy". The signature is fluid and cursive, with the first name "B.R." and the last name "Hardy" clearly distinguishable.

Brian R. Hardy, Esq.

BRH/SCE

MAC: 16434-001 (#6079602.3)

Item Number #  
103

## BEFORE THE NEVADA TRANSPORTATION AUTHORITY

In Re: The Joint Application of Norma Angelica )  
 Farias d/b/a Las Vegas Eagles Towing to sell and )  
 transfer, and Las Vegas Eagles Towing, LLC d/b/a ) Docket 25-04036  
 Las Vegas Eagles Towing to purchase and acquire )  
 the authority to provide consent-only tow car )  
 services granted under CPCN 7390. )  
 \_\_\_\_\_ )

At a general session of the Nevada Transportation  
 Authority held on November 6, 2025

PRESENT: Chairman Vaughn Hartung  
 Commissioner Adam Teti  
 Commissioner Louis Csoka  
 Deputy Commissioner Todd Park

**COMPLIANCE ORDER**

1. The Nevada Transportation Authority ("Authority") makes the following findings of fact and conclusions of law:
2. That on April 25, 2025, Norma Angelica Farias d/b/a Las Vegas Eagles Towing ("Transferor"/"Norma") and Las Vegas Eagles Towing, LLC d/b/a Las Vegas Eagles Towing ("Transferee"/"Eagles")/("Applicants") filed a Joint Application for Norma to sell and transfer and Eagles to purchase and acquire the authority to provide consent-only tow car services granted under CPCN 7390. Said Joint Application was designated as Docket 25-04036.
3. That the Application was properly noticed to the public and there were no Petitions for Leave to Intervene or Protests filed.
4. That based upon all the records pertaining to the Application and after investigation.
  - a. The Application on file herein comes within the purview of the statutes of the State of Nevada and within the regulatory jurisdiction of the Authority.
  - b. The Transferee Applicant is fit, willing and able to perform the transportation service



for which applied.

- c. Granting the Application on file herein would be in the public interest.
- d. The operation contemplated by Transferee Applicant will be consistent with the public interest and will not operate to defeat the legislative policy set forth in NRS 706.151.

**Therefore, based upon the foregoing findings, it is ORDERED that:**

1. The Application on file herein is GRANTED for the transportation services specified below:

On-call, irregular route transportation of vehicles requiring tow car service by tow car vehicle;

Between points and places within the State of Nevada.

Restriction: Holder shall perform consent-only tows.

2. Upon full compliance with the condition of this Compliance Order, the certificate identified as CPCN 7390 shall be CANCELLED, and a new Certificate of Public Convenience and Necessity identified as **CPCN 7390, Sub 1**, shall be issued to Las Vegas Eagles Towing, LLC d/b/a Las Vegas Eagles Towing authorizing operation in intrastate commerce as is more particularly described in the first ordering paragraph above.
3. Before issuance of the Certificate referred to hereinabove, the Applicant shall be required to:
  - a. Avoid material changes in any conditions relied upon by the Authority in its determination of operational fitness and immediately report to Authority Staff any such material changes, should they occur. (Form provided by NTA)
  - b. File with the Authority evidence, (Form E) in the motor carrier's name in accordance with NAC 706.193.
  - c. File with the Authority the necessary insurance (Certificate of Insurance and Schedule of Autos) describing the liability limits and vehicles covered in

accordance with NAC 706.191.

- d. Make vehicle(s) available for inspection by Authority Staff to ensure that they properly display the CPCN number, logo and/or name of the motor carrier and any other required markings in accordance with NAC 706.170. Provide copies of the insurance cab card, annual (USDOT) vehicle inspections, titles, and registrations. All documents must reflect the approved motor carrier name.
  - e. Ensure driver qualification files are setup in accordance with 49 CFR 391.51. Make available to Authority Staff for inspection of business and vehicle domiciles. Ensure all drivers have pre-employment drug testing in accordance with title 49, Parts 40 and 382. Explain and make available for inspection set-up of time tracking method put into place.
  - f. Ensure vehicle maintenance files are setup in accordance with 49 CFR 396.
  - g. Provide a copy of the tow invoice which includes the name of the motor carrier, address and CPCN number granted.
  - h. Provide a copy of the contract between Applicant and the laboratory that will perform and monitor the substance abuse program. If the owner will also serve as driver, the contract must require the laboratory to provide results of positive drug/alcohol tests directly to the Authority.
  - i. File a tariff for review by the Financial Analyst, which includes a description of the authority granted, CPCN number, the motor carrier name, d/b/a, name and title of the issuing officer, and address.
  - j. Remit to the Authority any noticing fees and/or other outstanding debt due to the Authority.
4. Compliance with the foregoing requirements must be made NO LATER THAN one hundred and twenty (120) days after issuance of this Order. If the Applicant fails to comply within one hundred and twenty (120) days after issuance of this Order, the Deputy Commissioner may vacate this Order and dismiss this Application.
5. If the Transferee Applicant is cited by the Authority for any violation of NRS 706 or NAC 706 prior to the issuance of the Certificate referred to hereinabove, the Deputy Commissioner shall vacate this Order and dismiss this Application unless the Authority orders otherwise.

6. The Deputy Commissioner shall be authorized to issue a Certificate of Public Convenience and Necessity upon Applicant's compliance with all requirements set forth hereinabove.
7. The Authority retains jurisdiction for the purpose of correcting any errors that may have occurred in the drafting or issuance of this Order.

By the Authority,

\_\_\_\_\_  
Vaughn Hartung, Chairman

\_\_\_\_\_  
Adam Teti, Commissioner

\_\_\_\_\_  
Louis Csoka, Commissioner

Attest: \_\_\_\_\_  
Todd Park, Deputy Commissioner

Dated: \_\_\_\_\_  
Las Vegas, Nevada

NOTICE: Pursuant to NRS 233B.130, any party to this matter aggrieved by the above final decision may file a petition for rehearing or reconsideration. A petition for rehearing or reconsideration must be filed with the Authority within 15 days after the date the party received this Order.

Item Number #  
121

## BEFORE THE NEVADA TRANSPORTATION AUTHORITY

In Re: Citation 25309 for violation of NRS 706.386,                     )  
 and violation of NRS 706.758 issued to Barry Whittle                     )                     Citation 25309  
 \_\_\_\_\_ )

At a general session of the Nevada Transportation  
 Authority held on October 9, 2025.

PRESENT:   Chairman Vaughn Hartung  
               Commissioner Adam Teti  
               Commissioner Louis Csoka  
               Deputy Commissioner Todd Park

**ORDER**

On April 8, 2025, a hearing on the above-captioned matters were held before Chairman Vaughn Hartung, serving in his capacity as Hearing Officer for the Nevada Transportation Authority (“Authority”, “NTA”). The cited party, Barry Whittle (“Respondent”), appeared for the hearing, and chose to proceed without legal counsel.

After hearing the allegations, the testimony of both parties, the respective arguments, and having considered the evidence introduced by the parties present at the hearing and being fully advised, the Hearing Officer, pursuant to Nevada Administrative Code (“NAC”) 706.4015, prepared a proposed decision for review by the Authority.

Based upon the proposed decision, the Authority makes the following Findings of Fact and Conclusions of Law, which constitute a final order affirming the decision of the Hearing Officer. Any Finding of Fact that would be deemed a Conclusion of Law or vice versa shall be so construed. Under Nevada Revised Statutes (“NRS”) 706.151, the Authority has legal jurisdiction and authority over this matter.

## **FINDINGS OF FACT**

The Authority finds that there is substantial evidence in the record delivered by the Hearing Officer, which contains the legal evidence presented at the hearing, to establish each of the facts hereinafter set forth in these Findings of Facts:

1. Investigator Adam Truitt was sworn in. Investigator Truitt testified that he was familiar with the Respondent from a sting he conducted on the Respondent in 2024 for illegal transportation. Investigator Truitt testified that he received information from an uncertificated carrier who set up a ride with Mr. Whittle's company, TahoeExpress, using the name "Rayna" from the Carson City airport to Clear Creek Clubhouse in Carson City, Nevada. The uncertificated carrier stated they would need both the van and the Ford Explorer. They stated they would need transportation to Edgewood Resort in Stateline, Nevada. The uncertificated carrier received confirmation that the job was booked, and the Respondent's company took a deposit from the credit card provided by the uncertificated carrier.
2. On February 20, 2025 the NTA Investigators conducted surveillance at the Carson City airport and saw the TahoeExpress van and Explorer pull up. The Investigator knew these were the Respondent's van and Explorer because they had advertising on them stating TahoeExpress. The advertising did not state that the company "does not do point to point transportation." Investigator Truitt and his team stopped the van and Explorer and identified Mr. Whittle. When the Investigators told Mr. Whittle why they were stopping him, Mr. Whittle provided receipts showing someone, Mr. Elmo Steinert, not Rayna, booked the trip and they were going to Margaritaville and South Tahoe, both in California,

across state lines. The Investigators looked at the receipts and determined they were for a different customer and not the one set by Rayna for point-to-point transportation in Nevada.

3. Senior Deputy Attorney General (“DAG”) Louis Csoka asked Investigator Truitt if he prepared a report in connection with this investigation. He stated there was one. The DAG offered the investigative report as State’s Exhibit #1 and it was admitted into evidence.
4. Mr. Whittle then had an opportunity to cross examine Investigator Truitt. Mr. Whittle asked Investigator Truitt if he looked up Cold Creek on his phone. Investigator Truitt responded he looked up Clear Creek as this was the destination requested on the booking.
5. Mr. Whittle offered two Exhibits in support of his case. Exhibit #1 was the receipt which showed the transportation going to Cold Creek Campground in Sierraville, California and it was sent to Rayna. Exhibit #2 was text messages between TahoeExpress and Rayna, which a handwritten narrative on the right hand side. Both of the Respondent’s Exhibits were admitted into evidence.
6. On Re-direct, the DAG asked Investigator Truitt if he had receipts and texts confirming point to point transportation in the State of Nevada. Investigator Truitt responded he did. Investigator Truitt also stated Respondent’s Exhibit #1 is not the one he was shown, but it belonged to a Mr. Elmo Steinert.
7. Mr. Whittle then stated he should be allowed to cross-examine “Rayna” as they were the party who booked the trip, and he had a right to cross examine his accuser.
8. Upon hearing this, the DAG took a recess from the proceeding. When the DAG returned to the hearing, he informed the Hearing Officer the State wanted to withdraw the allegation contained in Violation 1, NRS 706.386. The Hearing Officer allowed the withdrawal, and this left only Violation 2, NRS 706.758.

9. Upon the withdrawal and hearing the only Violation left was NRS 706.758, Mr. Whittle admitted he was in Violation of NRS 706.758 and would stipulate to the violation.

### **CONCLUSIONS OF LAW**

Based on the testimony of Investigator Truitt, the testimony Mr. Whittle, the evidence presented at the hearing and the Respondent's stipulation to Violation 2, NRS 706.758, the Authority finds the testimony of Investigator Truitt to be credible, the evidence submitted by the State supports Investigator Truitt's testimony and the issuance of Violation 2, NRS 706.758 on Citations 25309 to be proper.

### **DISCUSSION**

The DAG requested a fine of \$10,000 for the violation of NRS 706.758 on Citation 25309. The DAG further requested the \$3,250 abeyance on Citation 23326 be triggered and called forward as due and payable.

The Hearing Officer, having fully considered the above-mentioned Findings of Fact and Conclusions of Law, recommends to the Authority:

1. That Violation 1, NRS 706.386 on Citation 25309 be WITHDRAWN.
2. That a finding of a violation of NRS 706.758 on Citation 25309 be entered.
3. That a fine of \$10,000 with \$9,500 held in abeyance for a period of two (2) years, provided no further violations of the NRS occur in the two-year period and there is timely payment of the fine be assessed for the violation of NRS 706.758 on Citation 25309. Further, the abeyance amount of \$3,250 on Citation 23326 be triggered and become due and payable.

### **ORDER**

**IT IS THEREFORE ORDERED, based on the foregoing Findings of Fact and Conclusions of Law:**



1. That the recommendation of the Hearing Officer with regard to the violation of NRS 706.386 on Citation 25309 be WITHDRAWN;
2. That the recommendation of the Hearing Officer with regard to the violation of NRS 706.758 on Citation 25309 be AFFIRMED;
3. That a total fine of in the amount of Ten Thousand Dollars and Zero Cents (\$10,000) with Nine Thousand Five Hundred Dollars and Zero Cents (\$9,500) held in abeyance for a period of two (2) years, provided no further violations of the NRS occur in the two-year period and there is timely payment of the fine be assessed for the violation of NRS 706.758 on Citation 25309.
4. That the Three Thousand Two Hundred and Fifty Dollars (\$3,250) abeyance amount on Citation 23329 be triggered and called forward to become due and payable.
5. That the Authority retains jurisdiction for correcting any errors that have occurred in the drafting of issuance of this Order.

By the Authority,

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Vaughn Hartung, Chairman

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Adam Teti, Commissioner

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Louis Csoka, Commissioner

Attest: \_\_\_\_\_  
Todd Park, Deputy Commissioner

Dated: \_\_\_\_\_  
Las Vegas, Nevada

NOTICE: Pursuant to NRS 233B.130, any party to this matter aggrieved by the above final decision may file a petition for rehearing or reconsideration. A petition for rehearing or reconsideration must be filed with the Authority within 15 days after the date the party received this Order.

NOTICE: In accordance with NAC 706.229 and NAC 706.3751 (both recently amended, see Legislative Counsel Bureau File No. R111-10), you may be disqualified from driving taxicabs (outside of Clark County) or charter limousines (statewide) if you fail to pay a fine owed to the Authority, you fail to appear for a hearing on an administrative citation, and/or you are found in violation of the provisions of NRS 706 or NAC 706 more than five times within three years.

NOTICE: Pursuant to NRS 706.772 and NRS 706 483.441, you may have your driver's license suspended by the Nevada Department of Motor Vehicles if you fail to pay the full amount of the administrative fine and any other costs which are due to the Authority as a result of the above final Order.